



Edwin M. Lee  
Mayor

Micki Callahan  
Human Resources Director

Date: June 2, 2014  
To: The Honorable Civil Service Commission  
Through: Micki Callahan  
Human Resources Director *[Signature]*  
From: Joan Lubamersky, GSA

**Subject: Personal Services Contracts Approval Request**

This report contain one (1) personal services contracts (PSCs) in accordance with the revised Civil Service Commission (CSC) procedures for processing PSCs that became effective on July 1, 1996.

The services proposed by these contracts have been reviewed by Department of Human Resources (DHR) staff to evaluate whether the requesting departments have complied with City policy and procedures regarding PSCs. The proposed PSCs have been posted on the DHR website for seven (7) calendar days. CSC procedures for processing PSCs require that any appeal of these contracts be filed in the office of the CSC, Executive Officer during the posting period.

No timely appeals have been filed regarding the PSCs contained in this report. These proposed PSCs are being submitted to the CSC for ratification/approval.

DHR has prepared the following cost summary for personal services contracts that have been processed through the Department of Human Resources to date:

Total of this Report	YTD Expedited Approvals FY 2013-2014	Total for FY 2013-2014
\$5,000,000.00	\$7,606,978	\$785,927,131

Joan Lubamersky  
General Services Agency – City Admin.  
1 Dr. Carlton B. Goodlett Pl., Rm. 362  
San Francisco, CA 94102  
(415) 554-4859

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PSC Submissions

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**Posting for June 2, 2014**  
**Proposed Personal Services Contract - Regular**

PSC No	Dept Description	Amount	Description of Work	PSC Estimated	
				Start Date	End Date
43235-13/14	GENERAL SERVICES AGENCY - CITY ADMIN	\$5,000,000.00	Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin), Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.	7/1/2014	6/30/2018

**Total Amount: \$5,000,000.00**

**POSTING FOR**

June 2, 2014

**PROPOSED PERSONAL SERVICES CONTRACTS – REGULAR****Commission Hearing Date**

2014-06-02

**APPLY**

<b>PSC No</b>	<b>Dept Designation</b>	<b>PSC Amount</b>	<b>Description of Work</b>	<b>PSC Estimated Start Date</b>	<b>PSC Estimated End Date</b>
43235 - 13/14	GENERAL SERVICES AGENCY - CITY ADMIN	\$5,000,000.00	Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin, Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.	July 1, 2014	June 30, 2018

**TOTAL AMOUNT \$5,000,000**

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - CITY ADMIN -- ADM Dept. Code: ADM

Type of Request: [X] Initial [ ] Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval: [ ] Expedited [X] Regular [ ] Omit Posting

Type of Service: Telephonic Language Interpretation 24/7/365

Funding Source: General Fund PSC Duration: 4 years
PSC Amount: \$5,000,000 PSC Est. Start Date: 07/01/2014 PSC Est. End Date: 06/30/2018

1. Description of Work

A. Scope of Work:

Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin), Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.

B. Explain why this service is necessary and the consequence of denial:

These services are required by the San Francisco Language Access Ordinance, which was adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, and amended by the Board and approved by the Mayor in August 2009. Chapter 91 of the City's Administrative Code requires all city departments to provide the same level of service to Limited English Speaking Persons (LESP) as they provide to English Speakers in each language that meets certain language thresholds. Denial would result in making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services may incur significant costs or be subject to liability.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. These services were performed under PSC 4065-09/10

D. Will the contract(s) be renewed? Unknown.

2. Union Notification: On 04/22/2014, the Department notified the following employee organizations of this PSC/RFP request: SEIU 1021 Miscellaneous,

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FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 43235 - 13/14

DHR Analysis/Recommendation: Commission Approval Required
DHR Approved for 06/02/2014

Civil Service Commission Action:

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

1) Certification by the State of California Certified and/or American Standards for Testing and Materials (2) Trained in customer service skills (3) Certified for legal and medical interpretation (4) Trained in specific knowledge areas specified by the City of San Francisco, including cultural and linguistic competency.

B. Which, if any, civil service class(es) normally perform(s) this work?

1324,1326,2903,1408,1410,1840,2586,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. This may include dual-handset analog phones, video-conferencing equipment, listening devices, and other language translation equipment.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The tasks performed under contract are those for when city employees are not available or when special skills or equipment are necessary.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. City employees would be required to have special certification and tasks are performed as needed.

5. Additional Information (if "yes", attach explanation)

YES    NO

- A. Will the contractor directly supervise City and County employee?
- B. Will the contractor train City and County employee?
- C. Are there legal mandates requiring the use of contractual services?
- D. Are there federal or state grant requirements regarding the use of contractual services?
- E. Has a board or commission determined that contracting is the most effective way to provide this service?
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 04/25/2014 BY:

Name: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

Address: One Carlton B. Goodlett Place Room 362 San Francisco, CA 94102



OFFICE OF THE  
CITY ADMINISTRATOR



Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

May 14, 2014

MEMORANDUM

TO: Civil Service Commission  
FROM: *Joan Lubamersky*  
Joan Lubamersky, Contract Coordinator  
SUBJ: PSC 45235 Translation Services  
Summary of Department efforts to meet

Please see attached a summary of our efforts to meet with SEIU Local 1021 regarding subject Personal Services Contract.

We would be pleased to meet and answer any questions or concerns they may have.

Enclosures



PSC 45235 Translation Services  
Summary of efforts to meet

Sunday April 27	Department received email from SEIU 1021 requesting to meet
Monday, April 28	Department emailed Leah Barlenga suggesting we meet Tuesday April 29 or Wednesday April 30
Tuesday, April 29	Department emailed Ms. Barlenga asking about Wednesday April 30  Ms Barlenga responded that Wednesday would not work and she was trying to coordinate with others.
Wednesday, April 30	Department emailed Ms. Barlenga suggesting we meet Monday, May 5 or Tuesday May 6
Monday, May 5	Department emailed Ms. Barlenga updating our available time on May 5 and 6 as we had not heard back from her.
Monday, May 5	Ms. Barlenga emailed, suggesting Tuesday May 13 to meet
Tuesday, May 6	Department emailed Ms. Barlenga, suggesting Tuesday, May 13 at 12:30 pm
Wednesday, May 7	As Department had not heard back from her, emailed Ms. Barlenga following up regarding May 13.
Monday, May 12	Department left a voice mail message for Ms. Barlenga asking about May 13
Tuesday May 13	Department prepared to meet but SEIU was not present
Tuesday, May 13	Department called Ms. Barlenga to request an update. She said she was involved with MTA bargaining and one of her main stewards was out on vacation. She said she would call in a day or two to schedule a meeting early next week.

**From:** Leah Berlanga [ ]  
**Sent:** Sunday, April 27, 2014 11:01 AM  
**To:** Johnston, Jennifer (CSC); David Canham  
**Cc:** Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC); Lubamersky, Joan (ADM); Leah Berlanga  
**Subject:** RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

A/27

Joan Lubamersky & PSC Coordinator,

This is a formal response from SEIU Local 1021, we hereby object to the following PSC contract #45235 and are not in agreement to waive our right to a 60day notification.

We are exercising our right to meet and discuss the proposed contract prior to it being scheduled on the CSC calendar. Please contact me at your earliest convenience to schedule an appointment to discuss the PSC contract.

Thank you  
Leah Berlanga,  
Field Supervisor  
SEIU Local 1021

**From:** Lubamersky, Joan (ADM)  
**Sent:** Monday, April 28, 2014 1:46 PM  
**To:** 'Leah Berlanga'; Johnston, Jennifer (CSC); David Canham  
**Cc:** Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC)  
**Subject:** RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

A/29

Hello Leah:

We would be pleased to meet with to discuss PSC 45235. We are available:

Tomorrow, Tuesday, April 29, 3 PM and after, and  
Wednesday, April 30, 8:30 am to 4 pm.

Please let us know what time is good for you.

Regards,

Joan

Joan Lubamersky  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849

On Apr 29, 2014, at 3:27 PM, "Lubamersky, Joan (ADM)" <  
wrote:

4/29

Hello Leah:

I'm checking back to see if tomorrow, Wednesday, would be a good time for us to meet. I am not in the office on Thursdays and Fridays.

The item will not be on the CSC calendar for May 5. We would like very much to meet with you to discuss the translation services PSC.

Thank you very much.

Best regards,

Joan

Joan Lubamersky  
Contract Coordinator  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849

4/29

1  
**From:** Leah Berlanga [  
**Sent:** Tuesday, April 29, 2014 7:13 PM  
**To:** Lubamersky, Joan (ADM)  
**Cc:** Johnston, Jennifer (CSC); David Canham; Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM)  
**Subject:** Re: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

I'm not available tomorrow Wednesday and I'm trying to coordinate with others as to setting up a meeting with you next week to discuss this further. I'll send you an email once I've confirmed with others.

Thanks

Sent from my iPhone



**From:** Lubamersky, Joan (ADM)  
**Sent:** Wednesday, April 30, 2014 2:50 PM  
**To:** 'Leah Berlanga'  
**Cc:** Pon, Adrienne (ADM)  
**Subject:** Translation Services PSC Monday- only good 12n-2p (need to end by 2)

4/30

Hello Leah.

Adrienne and I are both available next week on:

Monday, May 5, Noon to 2 pm (need to end by 2)  
Tuesday May 6, 10 am to 1 pm

We'd like to invite you to the Office of Community Engagement and Immigrant Affairs for the meeting, if that is convenient for you.

If you should want to reach me tomorrow and Friday, email is the best way as I will not be in the office.

Thank you.

Joan

On May 5, 2014, at 10:44 AM, "Lubamersky, Joan (ADM)" <

> wrote:

S/S

Adrienne Pon and I need to update our availability as meetings have come up since we have not heard from you.

We are available tomorrow, Tuesday, May 6, from Noon to 3 PM.

Thank you.

Joan

Joan Lubamersky  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849

**From:** Leah Berlanga [ ]  
**Sent:** Monday, May 05, 2014 2:58 PM  
**To:** Lubamersky, Joan (ADM)  
**Cc:** Pon, Adrienne (ADM); David Canham; Larry Bradshaw  
**Subject:** Re: Update re: meeting - Translation Services

95

How about Tuesday May 13th?

Sent from my iPhone



**From:** Lubamersky, Joan (ADM)  
**Sent:** Tuesday, May 06, 2014 1:40 PM  
**To:** 'Leah Berlanga'  
**Cc:** Pon, Adrienne (ADM); David Canham; Larry Bradshaw  
**Subject:** RE: Update re: meeting - Translation Services

5/6

Hello Leah.

Tuesday March 13 at 12:30 will be good for us. We suggest we meet at the Office of Civic Engagement and Immigrant Affairs (OCEIA), 50 Van Ness, 2<sup>nd</sup> floor. It is next door to 90 Van Ness.

Joan

Joan Lubamersky  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849

**Lubamersky, Joan (ADM)**

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**Subject:** FW: Update re: meeting - Translation Services

5/7

**From:** Lubamersky, Joan (ADM)  
**Sent:** Wednesday, May 07, 2014 1:28 PM  
**To:** Leah Berlanga (Leah.Berlanga@seiu1021.org); 'david.canham@seiu1021.org'; 'Larry.Bradshaw@seiu1021.org'  
**Cc:** Pon, Adrienne (ADM)  
**Subject:** FW: Update re: meeting - Translation Services

Hello Leah. Just checking back about meeting on Tuesday regarding the translation services PSC.

Thanks.

Joan

Joan Lubamersky  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849

**Lubamersky, Joan (ADM)**

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**From:** Leung, Vitus <Vitus.Leung@sfdpw.org>  
**Sent:** Tuesday, May 13, 2014 3:18 PM  
**To:** Lubamersky, Joan (ADM); Pon, Adrienne (ADM)  
**Cc:** Johnston, Jennifer (CSC); DHR-PSCCoordinator, DHR (HRD)  
**Subject:** RE: staff report on translation services

5/13

I called Leah Berlanga with SEIU this morning to get an update. She said she was involved with MTA bargaining and one of her main stewards was out on vacation. She said she would call in a day or two to schedule a meeting early next week. I will call her again real soon. Vitus

Vitus C.W. Leung  
Manager, Employee & Labor Relations  
General Services Agency  
Human Resources Administration  
(415)749-2406

**UNION NOTIFICATION PSC 43235-13/14**

**Lubamersky, Joan (ADM)**

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**From:** Lubamersky, Joan (ADM)  
**Sent:** Tuesday, April 22, 2014 6:32 PM  
**To:** 'Larry.Bradshaw@seiu1021.org'; 'joe.tanner@seiu1021.org';  
'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'  
**Cc:** Pon, Adrienne (ADM); Leung, Vitus (vitus.leung@sfdpw.org)  
**Subject:** Request for Waiver of Notice - Language Line Personal Services Contract PSC  
43235-13/14  
**Attachments:** PSC Form 1 PSC 43235 Language Line \$5 million 2014 - 2018.pdf

To SEIU:

This contract came up a few years ago. We worked with Ed Washauer on it. Adrienne Pon, Director of the Office of Immigrant Rights and Civic Engagement, discussed with him that the language line services did not replace City employees. He did not object to the contract.

I misunderstood that I was asked to submit this PSC - there was a confusion about PSC numbers. Therefore it is very late. In order for all the participating departments (including public safety) to have their work orders submitted and approved, we would need this to be on the CSC calendar for May 5 or May 19. I will be asking CSC to do that—but first we respectfully request that 1021 waive the 60 day notice requirement.

The new PSC has been uploaded to the City PSC database. I attached the Form 1 to this email.

Thank you very much for your consideration. If there is anyone else I would need to contact about this, please let me know. I apologize for this.

If SEIU agrees to waive notice requirements, we would very much appreciate your responding to this email to let us know.

Joan Lubamersky  
Contract Coordinator  
Office of the City Administrator  
Office: 415-554-4859

**Lubamersky, Joan (ADM)**

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**From:** dhr-psccordinator@sfgov.org on behalf of joan.lubamersky@sfgov.org  
**Sent:** Tuesday, April 22, 2014 6:04 PM  
**To:** Lubamersky, Joan (ADM); david.canham@seiu1021.org; joe.tanner@seiu1021.net; Larry.Bradshaw@seiu1021.org; Lubamersky, Joan (ADM); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 43235 - 13/14

RECEIPT for Union Notification for PSC 43235 - 13/14 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 43235 - 13/14 for \$5,000,000 for Initial Request services for the period 07/01/2014 - 06/30/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/1952> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

**EMAIL TO SEIU 1021 MISCELLANEOUS**

## Dang, Leorah (HRD)

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**From:** Johnston, Jennifer (CSC)  
**Sent:** Friday, April 25, 2014 8:07 AM  
**To:** Lubamersky, Joan (ADM); 'Larry.Bradshaw@seiu1021.org';  
'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'  
**Cc:** DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC)  
**Subject:** RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

Dear David, Pattie and Larry:

This matter will be placed on the Regular Agenda for the Civil Service Commission meeting of May 5<sup>th</sup>. You will receive a meeting notification later this morning, along with the PSC packet. Please let me know if you have any questions or in the event that you wish to contest the PSC.

Sincerely,

Jennifer Johnston  
Executive Officer  
Civil Service Commission  
Phone: (415) 252-3247  
Fax: (415) 252-3260  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102  
[www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service)

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**From:** Lubamersky, Joan (ADM)  
**Sent:** Thursday, April 24, 2014 9:34 PM  
**To:** 'Larry.Bradshaw@seiu1021.org'; 'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'  
**Cc:** DHR-PSCCoordinator, DHR (HRD); Johnston, Jennifer (CSC); Lubamersky, Joan (ADM); Pon, Adrienne (ADM)  
**Subject:** Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

To SEIU:

I have been advised by DHR that the procedure to omit posting, which will be required to provide these vital translation services, includes my informing you of the May 5, 2014 CSC date for this item.

The PSC is on line for you to view, including many supporting documents that require equal access to language services for all populations.

Thank you very much.

Joan

Joan Lubamersky  
GSA/City Administrator  
One Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
Telephone: 415-554-4859  
Fax: 415-554-4849



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**From:** Lubamersky, Joan (ADM)  
**Sent:** Tuesday, April 22, 2014 6:32 PM  
**To:** 'Larry.Bradshaw@seiu1021.org'; 'joe.tanner@seiu1021.org'; 'david.canham@seiu1021.org';  
'pattie.tamura@seiu1021.org'  
**Cc:** Pon, Adrienne (ADM); Leung, Vitus ([vitus.leung@sfdpw.org](mailto:vitus.leung@sfdpw.org))  
**Subject:** Request for Waiver of Notice - Language Line Personal Services Contract PSC 43235-13/14

To SEIU:

This contract came up a few years ago. We worked with Ed Washauer on it. Adrienne Pon, Director of the Office of Immigrant Rights and Civic Engagement, discussed with him that the language line services did not replace City employees. He did not object to the contract.

I misunderstood that I was asked to submit this PSC - there was a confusion about PSC numbers. Therefore it is very late. In order for all the participating departments (including public safety) to have their work orders submitted and approved, we would need this to be on the CSC calendar for May 5 or May 19. I will be asking CSC to do that - but first we respectfully request that 1021 waive the 60 day notice requirement.

The new PSC has been uploaded to the City PSC database. I attached the Form 1 to this email.

Thank you very much for your consideration. If there is anyone else I would need to contact about this, please let me know. I apologize for this.

If SEIU agrees to waive notice requirements, we would very much appreciate your responding to this email to let us know.

Joan Lubamersky  
Contract Coordinator  
Office of the City Administrator  
Office: 415-554-4859

**TITLE VI OF THE 1964 CIVIL RIGHTS ACT**

## TITLE VI OF THE 1964 CIVIL RIGHTS ACT

42 U.S.C §§ 2000d - 2000d-7

### TITLE 42 - The Public Health and Welfare

#### SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS

- Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin
- Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action
- Sec. 2000d-2. Judicial review; administrative procedure provisions
- Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment
- Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty
- Sec. 2000d-4a. "Program or activity" and "program" defined
- Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act
- Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies
- Sec. 2000d-7. Civil rights remedies equalization

#### CROSS REFERENCE

*Age discrimination in employment, see section 621 et seq. of title 29, Labor.*

*Age discrimination in federally assisted programs, see section 6101 et seq. of this title.*

#### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

*This subchapter is referred to in sections 290cc-34, 300w-7, 300x-7, 708, 1437l, 1988, 2000d-6, 2000d-7, 2000h, 3608, 3608a, 4621, 5057, 5309, 5891, 6709, 6870, 8625, 9906, 10406, of this title; title 15 sections 719o, 775, 3151; title 20 sections 1231e, 1232i, 1717, 3022, 3291; title 23 sections 117, 324; title 29 sections 794a, 1577; title 40 section 476; title 43 section 1863; title 49 section 306; title 49 App. sections 1604, 1615, 2208, 2219.*

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**Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin**

No person in the United States shall, on the ground of race, color, or national origin, be excluded

from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

*(Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 Stat. 252.)*

*COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS*  
*For provisions relating to the coordination of implementation and enforcement of the provisions of this subchapter by the Attorney General, see section 1-201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of this title.*

*SECTION REFERRED TO IN OTHER SECTIONS*

*This section is referred to in section 2000d-1 of this title; title 39 section 410.*

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**Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action**

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law:

\*Provided, however\*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction

over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

*(Pub. L. 88-352, title VI, Sec. 602; July 2, 1964, 78 Stat. 252.)*

#### *DELEGATION OF FUNCTION*

*Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1-101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note below.*

#### *EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT*

*Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.*

#### *EXECUTIVE ORDER NO. 11247*

*Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to the enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out as a note below.*

#### *EXECUTIVE ORDER NO. 11764*

*Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of the provisions of this subchapter, was revoked by section 1-501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out as a note below.*

#### *EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS*

*[Body of Executive Order No. 12250]*

#### *SECTION REFERRED TO IN OTHER SECTIONS*

*This section is referred to in sections 2000d-2, 2000d-5, 5057, 9821, 9849, 10406 of this title; title 39 section 410.*

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### **Sec. 2000d-2. Judicial review; administrative procedure provisions**

Any department or agency action taken pursuant to section 2000d-1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d-1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either)

may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

*(Pub. L. 88-352, title VI, Sec. 603, July 2, 1964, 78 Stat. 253.)*

#### **CODIFICATION**

*"Chapter 7 of title 5" and "that chapter" were substituted in text for "section 10 of the Administrative Procedure Act" and "that section", respectively, on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.*

#### **SECTION REFERRED TO IN OTHER SECTIONS**

*This section is referred to in sections 2930c, 2971c, 2985g, 5057, 9821, 9849, 10406 of this title; title 39 section 410.*

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#### **Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment**

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

*(Pub. L. 88-352, title VI, Sec. 604, July 2, 1964, 78 Stat. 253.)*

#### **SECTION REFERRED TO IN OTHER SECTIONS**

*This section is referred to in title 39 section 410.*

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#### **Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty**

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

*(Pub. L. 88-352, title VI, Sec. 605, July 2, 1964, 78 Stat. 253.)*

**SECTION REFERRED TO IN OTHER SECTIONS**

*This section is referred to in title 39 section 410.*

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**Sec. 2000d-4a. "Program or activity" and "program" defined**

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of -

(1)

(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)

(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)

(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship -

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

*(Pub. L. 88-352, title VI, Sec. 606, as added Pub. L. 100-259, Sec. 6, Mar. 22, 1988, 102 Stat. 31.)*

#### *REFERENCES IN TEXT*

*Section 198(a)(10) of the Elementary and Secondary Education Act of 1965, referred to in par. (2)(B), is section 198 of Pub. L. 89-10, title I, as added by Pub. L. 95-561, title I, Sec. 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of Title 20, Education, prior to the complete revision of Pub. L. 89-10 by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 2891 of Title 20.*

#### *EXCLUSION FROM COVERAGE*

*This section not to be construed to extend application of Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100-259, set out as a Construction note under section 1687 of Title 20, Education.*

#### *ABORTION NEUTRALITY*

*This section not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100-259, set out as a note under section 1688 of Title 20, Education.*

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### **Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act**

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.], by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter:

\*Provided\*, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a



Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

*(Pub. L. 89-750, title I, Sec. 182, Nov. 3, 1966, 80 Stat. 1209; Pub. L. 90-247, title I, Sec. 112, Jan. 2, 1968, 81 Stat. 787; Pub. L. 96-88, title III, Sec. 301(a)(1), title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)*

#### REFERENCES IN TEXT

*This Act, referred to in text, is Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1191, as amended, known as the Elementary and Secondary Education Amendments of 1966. For complete classification of that Act to the Code, see Short Title of 1966 Amendment note set out under section 2701 of Title 20, Education, and Tables.*

*The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140, which is classified generally to chapter 47 (Sec. 2701 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 20 and Tables.*

*Act of September 30, 1950, referred to in text, is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which is classified generally to chapter 13 (Sec. 236 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 236 of Title 20 and Tables.*

*Act of September 23, 1950, referred to in text, is act Sept. 23, 1950, ch. 995, as amended generally by Aug. 12, 1958, Pub. L. 85-620, title I, 72 Stat. 548, which is classified generally to chapter 19 (Sec. 631 et seq.) of Title 20. For complete classification of this Act to the Code, see Tables.*

*The Cooperative Research Act, referred to in text, is act July 26, 1954, ch. 576, 68 Stat. 533, which was classified generally to chapter 15 (Sec. 331 et seq.) of Title 20, and terminated on July 1, 1975, under provisions of section 402(c)(1) of Pub. L. 93-380, title IV, Aug. 21, 1974, 88 Stat. 544. See section 1851 et seq. of this title. For complete classification of this Act to the Code, see Tables.*

#### CODIFICATION

*Section was enacted as part of the Elementary and Secondary Education Amendments of 1966, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.*

#### AMENDMENTS

*1968 - Pub. L. 90-247 inserted proviso.*

#### EFFECTIVE DATE

*Section 191 of Pub. L. 89-750 provided that: "The provisions of this title [enacting this section and sections 241m, 871 to 880, and 886 of Title 20, Education, amending sections 241b, 241c,*

241e, 241f, 241g, 241h, 241j, 241k, 241l, 244, 331a, 332a, 332b, 821, 822, 823, 841, 842, 843, 844, 861, 862, 863, 864, 883, and 884 of Title 20, repealing section 241d of Title 20, and enacting provisions set out as notes under sections 241a, 241b, and 241c of Title 20] shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise."

#### *TRANSFER OF FUNCTIONS*

"Secretary of Education" and "Secretary" substituted in text for "Commissioner of Education" and "Commissioner", respectively, pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education of Department of Health, Education, and Welfare to Secretary of Education.

#### *SECTION REFERRED TO IN OTHER SECTIONS*

*This section is referred to in section 2000d-6 of this title.*

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### **Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies**

#### **(a) Declaration of uniform policy**

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

#### **(b) Nature of uniformity**

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

#### **(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements**

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

*(Pub. L. 91-230, Sec. 2, Apr. 13, 1970, 84 Stat. 121; Pub. L. 96-88, title III, Sec. 301, title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)*

**REFERENCES IN TEXT**

*The Civil Rights Act of 1964, referred to in subsecs. (a) and (c), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.*

**CODIFICATION**

*Section was enacted as part of the Elementary and Secondary Education Amendments of 1969, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.*

**TRANSFER OF FUNCTIONS**

*"Secretary of Education" substituted for "Department of Health, Education, and Welfare" in subsec. (d) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Department and Secretary of Health, Education, and Welfare to Secretary of Education.*

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**Sec. 2000d-7. Civil rights remedies equalization**

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

*(Pub. L. 99-506, title X, Sec. 1003, Oct. 21, 1986, 100 Stat. 1845.)*

**REFERENCES IN TEXT**

*The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (Sec. 1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1001 of Title 20 and Tables.*

*The Age Discrimination Act of 1975, referred to in subsec. (a)(1), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.*

*The Civil Rights Act of 1964, referred to in subsec. (a)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.*

**CODIFICATION**

*Section was enacted as part of the Rehabilitation Act Amendments of 1986, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.*



## Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

### Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

#### Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

#### Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

#### Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

*Sec. 4. Consultations.*

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

*Sec. 5. Judicial Review.*

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

*William J. Clinton*

THE WHITE HOUSE,  
August 11, 2000.

[FR Doc. 00-20938  
Filed 8-15-00; 8:46 am]  
Billing code 3195-01-P

**EXECUTIVE ORDER 13166**

CAL. GOV'T CODE § 7290 et seq.

**The Dymally-Alatorre Bilingual Services Act.**

**§ 7290. Citation**

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

**§7291. Legislative declarations and intent**

The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work **and** pay taxes in this state are unable, either because they do not speak or write English, at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

**§7292. Required employment of qualified bilingual persons by state agencies** Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

**§7293. Required employment of qualified bilingual persons by local agencies** Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

**§7294. Implementation of chapter by retirement or normal attrition**

An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.



**§7295. Translation of materials explaining services available**

Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

**§7295.2. Translation of state agency materials explaining services**

Every state agency which serves a substantial number of non-English speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

**§7295.4. Distribution of written materials in non-English language by state agency**

Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

- (a) The written materials, whether forms, applications, questionnaires, letters or notices, solicit or require the furnishing of information from an individual or provide that individual with information.
- (b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.
- (c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

**§7296. "Bilingual person"**

As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

**§7296.2. "Substantial number of non-English-speaking people"**

As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

**§7296.4. "A sufficient number of qualified bilingual persons in public contact positions"**

As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

**§7297. "Public contact position"**

As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

**§7298. Exclusion of school districts and officers**

The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

**§7299. Implementation consistent with public funds, federal law, and civil service**

The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

**§7299.1. Telephone based interpretation services**

State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

**§7299.2. Responsibilities of State Personnel Board**

The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

**§7299.4. Survey by state agencies**

Each state agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (a) The number of public contact positions in each local office.
- (b) The number of bilingual employees in public contact positions, and the languages they speak, other than English.
- (c) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

- (d) The number of anticipated vacancies in public contact positions.
- (e) Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- (f) Any other relevant information requested by the State Personnel Board. Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

#### **§7299.5. Exemptions**

The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

- (a) The agency does not furnish information or render services to the public.
- (b) The agency has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.

In order to receive an exemption, each state agency must annually petition the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

#### **§7299.6. Delivery of survey results and plan of compliance to State Personnel Board**

The results of the survey required to be made by Section 7299.4 shall be compiled by the State Personnel Board and provided in a report to the Legislature every two years.

#### **§7299.8. Establishment of bilingual positions where less than specified percent of people are non-English speaking; Filling public contact positions**

It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.

**CITY AND COUNTY OF SAN FRANCISCO**  
**ADMINISTRATIV CODE SECTION 91**  
**LANGUAGE ACCESS ORDINANCE**

CHAPTER 91: City and County of San Francisco Administrative Code  
LANGUAGE ACCESS ORDINANCE

Sec. 91.1. Purpose and Findings.

Sec. 91.2. Definitions.

Sec. 91.3. Access to Language Services.

Sec. 91.4. Translation of Materials.

Sec. 91.5. Dissemination of Translated Materials From the State and Federal Government.

Sec. 91.6. Public Meetings and Hearings.

Sec. 91.7. Recorded Telephonic Messages.

Sec. 91.8. Crisis Situations.

Sec. 91.9. Complaint Procedure.

Sec. 91.10. Annual Compliance Plan.

Sec. 91.11. Compliance Plans Submittals and Emerging Language Populations.

Sec. 91.12. Recruitment.

Sec. 91.13. Commission Responsibilities.

Sec. 91.14. Office of Civic Engagement and Immigrant Affairs' Responsibilities.

Sec. 91.15. Rules and Regulations.

Sec. 91.16. Enforcement.

Sec. 91.17. Severability.

Sec. 91.18. Disclaimers.

SEC. 91.1 PURPOSE AND FINDINGS.

(a) **Title.** This Chapter shall be known as the "Language Access Ordinance."

(b) **Findings.**

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

(2) The Board finds that despite a long history of commitment to language access as embodied in federal, state and local law, beginning with the landmark Civil Rights Act of 1964, there is still a significant gap in the provision of governmental services to limited-English language speakers.

(3) In 1973, the California State Legislature adopted the Dymally-Alatorre Bilingual Services Act, which required state and local agencies to provide language services to non-English speaking people who comprise 5% or more the total state population and to hire a sufficient number of bilingual staff.

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

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

(6) Eight years later, the Board finds that differential access to City services still exists due to significant gaps in language services, lack of protocols for departments to procure language services, low budgetary prioritization by departments for language services.

(7) The Board finds that the lack of language services seriously affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San Franciscans are foreign-born and City residents speak more than 28 different languages. Among the 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers, 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

#### SEC. 91.2. DEFINITIONS.

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

- (a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.
- (b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and in one or more non-English language.
- (c) "City" shall mean the City and County of San Francisco.
- (d) "Commission" shall mean the Immigrant Rights Commission.
- (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are Limited English Speaking Persons who speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English using either of the following methods specified in Section 91.2(k) of this Chapter.
- (f) "Covered Department Facility" shall mean 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.
- (g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.
- (h) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw 11 district boundaries for the purposes of this Chapter that are approximately equal in population.
- (i) "Limited English Speaking Person" shall mean 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.
- (j) "Public Contact Position" shall mean a position, a primary job responsibility of which, consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.
- (k) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this

determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those Limited English Speaking Persons who use the Department's services Citywide speak a shared language other than English. Departments shall make this determination using one of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its Annual Compliance Plan required by Section 91.10 of this Chapter; or

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

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

(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of Economic and Workforce Development, Planning Department, Department of Public Works, Public Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and the San Francisco Zoo.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009)

#### SEC. 91.3. ACCESS TO LANGUAGE SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1 Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Tier 1 Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Tier 1 Departments need only implement the hiring requirements in the Language Access Ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

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

(Added by Ord. 128-01, File No. 011051, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

#### SEC. 91.4. TRANSLATION OF MATERIALS.

(a) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; 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; 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; notices advising Limited English Speaking Persons of free

language assistance; materials explaining a Department's services or programs; complaint forms; or 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.

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

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

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

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

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

#### SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

#### SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions and City Departments shall not automatically translate meeting notices, agendas, or minutes.

(b) City Boards, City Commissions and City Departments shall provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

#### SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

#### SEC. 91.8. CRISIS SITUATIONS.

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)



SEC. 91.9 COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Chapter to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The Complaints may be made by telephone or by completing a complaint form.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.10 ANNUAL COMPLIANCE PLAN.

Each Tier 1 Department shall draft an Annual Compliance Plan containing all of the following information:

(a) The number and percentage of Limited English Speaking Persons who actually use the Tier 1 Department's services Citywide, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

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

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

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

(e) The number of Bilingual Employees in Public Contact Positions, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak;

(f) The name and contact information of the Tier 1 Department's language access liaison;

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

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

(i) Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and description of language service protocols for Limited English Speaking individuals in crisis situations as outlined in Section 91.8;

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

(k) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Chapter, a description of the Tier 1 Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

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

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

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

(o) A copy of the written policies on providing services to Limited English Speaking Persons;

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

(q) Annual budget allocation and strategy, including the total annual expenditure for services that are related to language access:

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

(2) Telephonic translation services provided by City vendors;

(3) Document translation services provided by City vendors;

- (4) On-site language interpretation services provided by City vendors;
- (5) The total projected budget to support progressive implementation of the Department's language service plan;

(f) Summarize changes between the Department's previous Annual Compliance Plan submittal and the current submittal, including but not limited to: (1) an explanation of strategies and procedures that have improved the Department's language services from the previous year; and (2) an explanation of strategies and procedures that did not improve the Department's language services and proposed solutions to achieve the overall goal of this Language Access Ordinance; and

(s) Any other information requested by the Commission necessary for the implementation of this Chapter. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

**SEC. 91.11 COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE POPULATIONS.**

(a) **Compliance Plans Submittals.** The Director of each Tier 1 Department shall approve and annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

(b) **Inclusion of Emerging Language Populations in a written report to the Board.** By March 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of emerging language populations. Emerging language populations is defined as at least 2.5 percent of the population who use the Department's services or 5,000 City residents who speak a shared language other than English.

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

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

**SEC. 91.12 RECRUITMENT.**

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

**SEC. 91.13 COMMISSION RESPONSIBILITIES.**

The Commission shall be responsible for monitoring and facilitating compliance with this Chapter. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by Department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing Annual Compliance Plans.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

**SEC. 91.14 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.**

Subject to the budgetary and fiscal provisions of the Charter, the City may adequately fund the Office of Civic Engagement and Immigrant Affairs to provide a centralized infrastructure for the City's language services. The Office of Civic Engagement responsibilities include the following:

- (a) Provide technical assistance for language services for all Departments;
- (b) Coordinate language services across Departments, including but not limited to maintaining a directory of qualified language service providers for the City, maintaining an inventory of translation equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;
- (c) Compiling and maintaining a central repository for all Departments translated documents;
- (d) Providing Departments with model Annual Compliance Plans; and
- (e) Reviewing complaints of alleged violations with quarterly reports to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

▣ SEC. 91.15 RULES AND REGULATIONS.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

▣ SEC. 91.16 ENFORCEMENT.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

▣ SEC. 91.17 SEVERABILITY.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

▣ SEC. 91.18 DISCLAIMERS.

(a) By providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

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

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

**Additional Attachment(s) of Explanation**

◇ **Section 1. Description of Work**

**1C. Has this service been provided in the past. If so, how?  
If the service was provided via a PSC, provide the most  
recently approved PSC # and upload a copy of the PSC.**

PSC # 4065-09/10

PSC 4065 09/10 \$3 million

original



CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

CLAVIN NEWSOM  
MAYOR

MORGAN R. GORRINO  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

JOY Y. BDATWRIGHT  
COMMISSIONER

DONALD A. CASPER  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

December 9, 2009

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED  
PERSONAL SERVICES CONTRACT NUMBERS 4064-09/10  
THROUGH 4068-09/10.

At its meeting of December 7, 2009 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

It was the decision of the Commission to approve request for proposed personal services contracts. Notify the offices of the Controller and the Office of Contract Administration.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

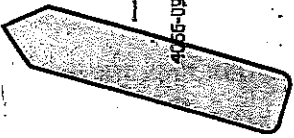
Attachment

- o Cynthia Avakian, Airport Commission
- o Parveta Bopara, Municipal Transportation Agency
- o Micki Callahan, Human Resources Director
- o Jessica Huey, Department of Human Resources
- o Shamica Jackson, Public Utilities Commission
- o Jennifer Johnston, Department of Human Resources
- o Nanni Kelly, Office of Contract Administration
- o Florence Kyam, Public Utilities Commission
- o Joan Lubamarsky, Administrative Services
- o Mary Ng, Department of Human Resources
- o Bea Rosenfeld, Controller
- o Commission File
- o Chron

POSTING R  
12/7/2009

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

FSC No	Dept No	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4064-09/10	35	Municipal Transportation Agency	Regular	\$5,500,000	Provide architectural & engineering services for the final design and construction of the Central Subway Project for design package #1, Utilities Relocation & Tunnel Design. Services include contract design management, verify/validate existing preliminary engineering design, verify cost & schedule for each construction contract, complete the final design for the tunnels & utility relocation, prepare construction contract documents, & provide engineering support during construction.	3/31/2012
4065-09/10	70	GSA	Regular	\$3,000,000	Provide single, toll-free 800 telephone number for participating City departments to address telephonic language interpretation services in core languages, and must be available 24 hours a day, 365 days of the year. Translation services will be performed by individuals who are certified by the State of California and/or American Standards for Testing and Materials or for legal and medical interpretation. Core languages will be defined as Cantonese & Mandarin Chinese, Spanish, Russian, Tagalog, and Vietnamese.	12/31/2012
4066-09/10	47	Airport Commission	Regular	\$1,900,000	Provide services to upgrade/enhance SFO's current 800MHz & 450MHz conventional radio system by expanding with the addition of a 700MHz digital trunked system. Services to be performed in conjunction with SF Dept of Emergency Management, SFWTA, and the Airport. The project will enhance SFO's interoperability with the city and surrounding counties as they transition to the 700MHz network. Contractor will provide technical services to ensure proper installation and programming of the digitally trunked radio system.	12/15/2010
4067-09/10	40	Public Utilities Commission	Regular	\$150,000	Specialty contractor to assist the SPPJC with the application of the sodium perchlorate algacide (brand name PAKSZZ) in local source water reservoirs, including but not limited to Calaveras Reservoir, San Antonio Reservoir, Crystal Springs Reservoir and San Andreas Reservoir.	2/28/2011
4068-09/10	40	Public Utilities Commission	Regular	\$3,140,000	Provide continued technical support for the development of the Sewer System Master Plan report and associated environmental review process. The Sewer System Master Plan proposes a long-term strategy for the City's wastewater and storm water management, and identifies future capital projects to support the agreed upon levels of service.	12/31/2012



4065 09/10 mod 1 Add \$1 million



OFFICE OF THE  
CITY ADMINISTRATOR



Edwin M. Lee, Mayor  
Nacmi M. Kelly, City Administrator

MEMORANDUM

DATE: November 7, 2012  
TO: Leorah Dang, PSC Analyst  
Department of Human Resources (Dept. 83)  
FROM: Jean Lubamersky, PSC Coordinator  
City Administrator (Dept. 70) *Jean Lubamersky*  
RE: Request for Administrative Approval of PSC Modification (less than 50%)

PSC No:	<u>4065-09/10</u>	Approval Date:	<u>12.9.09</u>
Description of Service(s):	Contractor to provide a single, toll-free 800 phone number for participating departments to access telephonic language interpretation in Core Languages 24/365.		
Original Approved Amount:	<u>\$ 3 million</u>	Original Approved Duration:	<u>1.1.10 to 12.31.12</u>
Modification Amount:	<u>\$ 1 million</u>	Modification of Duration:	<u>1.1.13 to 6.30.14</u>
Total Amount as Modified:	<u>\$ 4 million</u>	Total Duration as Modified:	<u>1.1.10 to 6.30.14</u>

Reason for the modification: Need for ongoing services to participating departments

Attachment: Copy of Approved PSC Summary

\*\*\*\*\*  
FOR DEPARTMENT OF HUMAN RESOURCES USE  
\*\*\*\*\*

DHR ACTION:  Approved

Approval Date: 11/8/2012

By: *Mickl Callahan*  
Mickl Callahan, Human Resources Director

PERSONAL SERVICES CONTRACT SUMMARY

DATE: November 9, 2009

DEPARTMENT NAME GSA/Office of Civic Engagement & Immigrant Affairs

DEPT # 70

TYPE OF APPROVAL: EXPEDITED [ ] CONTINUING [ ] REGULAR (OMIT POSTING [ ]) ANNUAL [ ]

TYPE OF REQUEST: [X] INITIAL REQUEST [ ] MODIFICATION (PSC# [ ])

TYPE OF SERVICE: Telephonic Language Interpretation continuously available (24/7/365)

FUNDING SOURCE: General Fund

PSC AMOUNT: \$3 million

PSC DURATION 1.1.10 - 12.31.12

1. DESCRIPTION OF WORK

A. Concise description of proposed work: Contractor shall provide a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year. Translation services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Cantonese (Chinese), Mandarin (Chinese), Spanish, Russian, Tagalog, and Vietnamese. Additionally, other languages will be included to be determined. Contractor services will only be used when a City employee is not available to do the translation or when legal needs require a translator who is certified and therefore less open to potential legal challenges

B. Explain why this service is necessary and the consequences of denial: Adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, Chapter 91 of the City's Administrative Code requires all city departments to provide services in non-English languages when (a) 10,000 city residents or (b) five percent or more of the clients served by the Department or (c) five percent of the residents of a Supervisorial district in which the department's offices are located are limited English-speaking and share a common language. Denial would result in making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services incur significant costs. This Ordinance was amended by the Board and approved by the Mayor in August 2009 and now imposes several new requirements for city departments.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number): These services have been provided during the past two years under contract, PSC # 4045-07/08, which was a pilot program to provide translation services to city departments on an as needed or emergency basis.

D. Will the contract(s) be renewed: Unknown.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

Local 1021, Local 21

Union Name Signature of person mailing / faxing form Date RFP sent to Union Name Date Signature

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FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION:



3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise: (1) Certification by the State of California Certified and/or American Standards for Testing and Materials (2) Trained in customer service skills (3) Certified for legal and medical interpretation (4) Trained in specific knowledge areas specified by the City of San Francisco

B. Which, if any, civil service class normally performs this work?

Bilingual employees are used by departments for day-to-day, regular operations. Contractor translation services will be used only when a City employee is unavailable. We are not aware of any civil service classes that require certification as listed in 3A. Classes that would have some of the skills required would be 1324 Customer Service Agent, 1326 Senior Customer Service Agent, 2903 Eligibility Worker and classes that may involve customer service (e.g., 1408 Principal Clerk, 1410 Chief Clerk, 1842 Management Assistant), with special conditions as to language requirements, as well as Class 2586 Health Worker. However, State of California-certified translators may be required for cases with legal or court concerns, or where there is an emergency involved.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain: Yes, this may include dual-handset analog phones and video-conferencing equipment.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

Work is sporadic, as needed or emergency. Additionally, bilingual certification by DHR is only a test for basic oral and written fluency in select language categories. DHR certification is not accepted by the State and subject to legal challenge if interpretation is subpoenaed or challenged in legal proceedings.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. City employees currently perform some of the services; however, the as needed, emergency and sporadic nature of the work does not call for a new civil service class at this time. OCEIA is working with departments to create standard protocols and identify a pool of existing bilingual City employees that can be utilized.

5. ADDITIONAL INFORMATION (if "yes", attach explanation)

- |   | <u>Yes</u>               | <u>No</u>                           |
|---|--------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employees?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employees?<br>- Describe training and indicate approximate number of hours.<br>- Indicate occupational type of City and County employees to receive training (e.g., clerks, civil engineers, etc.) and approximate number to be trained. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Are there legal mandates requiring the use of contractual services?  |                          | <input checked="" type="checkbox"/> |
| D. Are there federal or state grant requirements regarding the use of contractual services? - these funds require contracting out?  |                          | <input checked="" type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? Unknown  |                          | <input type="checkbox"/>            |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

\_\_\_\_\_  
 Signature of Departmental Personal Services Contract Coordinator  
 Joan Lubamersky 554-4859  
 \_\_\_\_\_  
 Print or Type Name Telephone  
 One Carlton B. Goodlett Bm 362 San Francisco, CA 94102  
4457

