



POLICY ON LANGUAGE DIVERSITY

PURPOSE STATEMENT

The City and County of San Francisco's (City) cultural and racial composition and its workforce are among the most diverse in the nation. Therefore, the City reaffirms its Policy on Language Diversity, which fosters acceptance and prevents intergroup tensions as related to the use of languages other than English in the provision of public services and the employment of individuals whose primary language is not English.

The City recognizes that a workforce that speaks languages other than English enhances the services provided to the City's culturally diverse public by providing efficient and accessible public services to its non-English speaking communities.

Additionally, the Equal Access to City Services for Limited English Speakers Ordinance makes it the City's policy to provide equal access to City services to all San Franciscans, including those with limited proficiency in English.

All employees of the City are advised that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, is a legally protected right.

The City also reaffirms its equal employment opportunity policy that ensures the opportunity for employment of an ethnically and culturally diverse workforce wherein individuals shall enjoy equal application of the terms and conditions of employment, including the right to speak their primary language.

LEGAL REQUIREMENTS

The City's policy complies with the guidelines of the U.S. Equal Employment Opportunity Commission, which state that prohibiting employees from speaking their native language in the workplace may result in unlawful national origin discrimination under Title VII of the Civil Rights Act of 1964 (Title VII).

A rule that requires employees to speak only English at all times may violate Title VII as a burdensome term and condition of employment since the primary language of an employee is often an essential national origin characteristic. Therefore, a department may only have a rule requiring that employees speak only English at certain times where an employer:

1. shows that the rule is justified by business necessity;
2. notifies their employees of the speak-only-English rule and of the general circumstances when speaking only English is required; and
3. notifies employees of the consequences of violating the rule.

There are few circumstances under which a policy will meet the "business necessity" test. Justifications such as "Supervisors can't understand what employees are saying," "English speaking employees suspect that non-English speaking employees are talking about them," and "The policy will enhance the public

image,” are not sufficient to meet the business necessity requirement. Departments must confer with the City Attorney prior to implementing an English-only rule.

DUAL RESPONSIBILITY

Supervisors and line employees have a shared responsibility for maintaining a work environment that is comfortable and productive for everyone. Where co-workers or clients express concerns about employees speaking in a language other than English, supervisors should work toward informally resolving these interpersonal difficulties in a constructive and sensitive manner.

To assure effective communication during emergencies and constructive discussion of assignments, work performance, and work rules, supervisors and employees should expect that any direct communications be conducted in a commonly understood language.

POLICY IMPLEMENTATION

Each department’s Appointing Officer is responsible for implementation of this Policy on Language Diversity. The Human Resources Director is responsible for ensuring compliance with this policy.

Employees and applicants for employment who believe that they have been subjected to unlawful conduct in violation of this policy may file a complaint with the City’s Department of Human Resources, EEO Division (DHR EEO) under the provisions of Civil Service Commission Rules. Instructions on how to file a complaint are available from the DHR EEO Division, located at 1 So. Van Ness Ave., 4th Floor, by calling (415) 557-4900 or (415) 557-4810 (TTY), or the City’s DHR website: www.sfdhr.org. Complaints may also be filed with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC).

DISTRIBUTION OF POLICY

Appointing Officers and/or Department Heads are responsible for assuring that all employees are aware of this policy. In addition to distributing this policy to all employees, departments are required to post it in a conspicuous manner on departmental or employee bulletin boards. Further, this policy is to be included in the department’s new employee orientation.

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