

CHAPTER 91 EQUAL ACCESS TO SERVICES

- Sec.[91.1](#). Title.
- Sec.[91.2](#). Definitions.
- Sec.[91.3](#). Equal Access to 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](#). Complaint Procedure.
- Sec. [91.9](#). Compliance Plans.
- Sec.[91.10](#). Recruitment.
- Sec.[91.11](#). Commission Responsibilities.
- Sec.[91.12](#). Rules and Regulations.
- Sec.[91.13](#). Enforcement.
- Sec.[91.14](#). Severability.

SEC. 91.1. TITLE.

This chapter shall be known as the "Equal Access to Services Ordinance." (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.2. DEFINITIONS.

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

- (a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.
- (b) "City" shall mean the City and County of San Francisco.
- (c) "Commission" shall mean the Immigrant Rights Commission.
- (d) "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 Planning Department 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 Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another 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(j) of this Article.

(e) "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.

(f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

(g) "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 district boundaries for the purposes of this Article that are approximately equal in population.

(h) "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.

(i) "Public Contact Position" shall mean a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

(j) "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 Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another 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 either 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 91.9 of this Article; 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(d) of this Article. Departments may not use any other method unless approved prior to its use by the Commission.

(k) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

(l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City employees. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 91.3. EQUAL ACCESS TO SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, 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. 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) Departments need only implement the hiring requirements in this 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 this ordinance.

(c) This Article shall be interpreted and applied so as to be consistent with Title 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. 128-01, File No. 011051, App. 6/15/2001)

SEC. 91.4. TRANSLATION OF MATERIALS.

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-proficient 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) Departments shall comply with the requirements of this Section within one year of the enactment of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

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, Commissions and Departments shall not be required to translate meeting notices, agendas, or minutes.

(b) Oral interpretation of any public meeting or hearing held by a City Board, Commission or Department shall be provided if requested at least 48 hours in advance of the meeting or hearing in question. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

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. COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Article 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 within 30 days of its receipt. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.9. COMPLIANCE PLANS.

(a) Each Department shall draft and file with the Commission an annual compliance plan. Each Department shall file its first plan within 90 days of the enactment of this Article to assess what actions the Department needs to take to come into compliance. Thereafter, each Department shall file a plan by February 1 of each year.

(b) Each plan filed by a Department shall contain the following information:

(1) The number and percentage of limited English speaking persons who actually use the Department's services citywide, listed by language other than English, using either method in Section 91.2(j) of this Article;

(2) 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(j) of this Article;

(3) The number of Public Contact Positions in the Department;

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

(5) 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;

(6) 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;

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

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

(9) 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 Article;

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

(11) A description of the Department's procedures for accepting and resolving complaints of an alleged violation of this Article;

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

(13) A list of goals for the upcoming year and, for all plans except the first, an assessment of the Department's success at meeting last year's goals; and

(14) Any other information requested by the Commission necessary for the implementation of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.10. 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)

SEC. 91.11. COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Article. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Article; establishing and implementing a procedure to accept and investigate complaints alleging a violation of this Article; reviewing complaints about alleged violations of this Article 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 compliance plans. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.12. RULES AND REGULATIONS.

In order to effectuate the terms of this Article, the Commission may adopt rules and regulations consistent with this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.13. 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)

SEC. 91.14. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, 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 Article are severable. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)