

Language Access Policy**6.1.10****PURPOSE**

The purpose of this policy is to ensure City employees make reasonable efforts to minimize barriers to accessing City programs or services for customers with limited English proficiency and ensure equal access regardless of language proficiency and cultural background.

POLICY

The City will make reasonable efforts to notify the public about its limited English proficiency policies for department programs and services and how to access language assistance services through departmental websites, translated documents, and community-focused outreach.

OPERATIONAL GUIDELINES

It may be determined that a customer with limited English proficiency needs language assistance based on:

- Self-identification
- By a companion of the customer
- Using an “I Speak” language identification card or poster from the U.S. Census Bureau available at <http://www.lep.gov/resources/ISpeakCards2004.pdf>

Availability of Language Assistance Services for Customers with Limited English Proficiency*Telephonic Translations*

Telephone Trees – City departments using telephone trees will endeavor to ensure that menus are available in multiple languages.

Communications via Telephone – The City maintains a contract for translation services that can be accessed over the telephone. Departments that have call centers or provide telephonic services to the public are required to ensure department policies incorporate these services and ensure staff has proper training in the use of these services.

Telephonic translation is available in multiple languages. For a complete list refer to <http://www.sjcity.net/DocumentCenter/View/7698>.

City Written and Print Communications

The City will prioritize which written communications should be translated. Priority depends upon the importance of the program, information, or service involved as determined by the authoring department. Departments should consult with their City Attorney representative when deciding whether to translate certain types of documents.

The City’s written communication that may be translated includes, but is not limited to:

- Notices related to health and safety concerns
- Administrative complaints, release, or waiver forms

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- Claim or application forms
- Letters of findings
- Public outreach or educational materials (including web-based materials)
- Letters or notices pertaining to statutes of limitations, referrals to other agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case or matter
- Written notices of rights, denial, loss, or decreases in benefits or services, administrative or other hearings
- Forms or written material related to individual rights
- Notices of community meetings or other sensitive community outreach
- Notices regarding the availability of language assistance services provided at no cost to limited English proficiency customers
- Certain consent orders, decrees, memoranda of agreement, or other types of pleadings or litigation materials, within the discretion of the department

This policy is not intended to supersede or alter other rules and legal standards relating to translation obligations.

Translating Meetings

Departments shall provide standard information about the availability of language translation services on all meeting notices where it is believed such services will benefit the participants of the meeting.

Departments shall take reasonable steps to include translation services at meetings where it is generally known participants will require such services.

In-Person

The Human Resources Department maintains a current list of staff who have been certified as fluent (oral and/or written proficiency) in languages other than English. A list of multilingual staff is available on the intranet at <http://www.sjcity.net/index.aspx?nid=352>. To coordinate the assistance of staff from another department, contact the other department's Administrative Officer or designee for assistance.

Web Resources

All departments should make their staff aware that the City's website has a translate button on the home page that can translate web content into approximately ninety different languages. This feature, however, only works on web pages, and does not translate documents linked to the webpage. Departments shall take reasonable steps to translate priority linked documents that contain vital information about their programs and services.

Use of Non-City Resources for Language Assistance

Staff may consider using family members, neighbors, friends, acquaintances or bystanders to provide basic translation assistances. However where the communication involves notifying the customer with limited English proficiency about enforcement activities; where the customer with

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limited English proficiency is a witness or complaining party; or where there is a dispute or an issue of confidentiality, only City-approved translators should be used.

Tracking & Reporting

The City will track the use of interpreter services through invoicing of vendors and other records associated with telephonic and in-person translation services.

Staff Training

The City will endeavor to ensure that relevant staff members receive training on City and department language access policies and procedures. Training may include, but is not limited to:

- Identifying the language needs of customers with limited English proficiency
- Working with an interpreter in person or on the telephone
- Requesting documents for translation
- Accessing and providing language assistance services through multilingual employees, in-house interpreters and translators, or contracted personnel
- Providing effective assistance to customers with limited English proficiency

City departments are encouraged to offer training to multilingual staff to maintain and improve their language assistance skills. Refer to <http://www.sjcity.net/documentcenter/view/7699>, interactive online language access courses, etc.

Human Resources

The City values the multilingual skills of its employees. When considering human resource and hiring policies, each department should assess the extent to which non-English language proficiency in particular languages is necessary for particular positions or to fulfill the department's mission. Departments with multilingual employees who frequently interact with customers with limited English proficiency or whose work plan includes the provision of language assistance services are encouraged to support the employee to become certified by Human Resources and support their eligibility for bilingual compensation upon certification. Refer to City Administrative Policy 4.1.3 for more details.

<http://www.sanjoseca.gov/DocumentCenter/View/16069>

Procurement of Translation Services

The City currently provides access to language assistance services through a Citywide contract. Information is available at <http://www.sjcity.net/index.aspx?NID=992>.

When a department procures additional language assistance services, it should take reasonable efforts to ensure that any competitive solicitation or contract for language assistance services will specify responsibilities, assign liability, set pay rates, and provide for dispute resolution. For example, contracts for language assistance service providers should address some or all of the following criteria:

- Qualified and competent translators and interpreters, including second checks for translations

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- Mechanisms to ensure confidentiality and avoid conflicts of interest
- Ability to meet the department's demand for interpreters
- Ability to meet the department's demand for translation, including the delivery of the translation in editable electronic or other require formats
- Reasonable cancellation fees
- On-time service delivery
- Acceptable emergency response time
- Rational scheduling of qualified interpreters
- Any requirements for tracking usage
- Rapid rates of connection to interpreters via telephone, video, or electronically
- Effective complaint resolution when translation or interpretation errors occur

Potential bidders for language assistance services contracts should also be required to describe their quality control process for all deliverables.

Language Access Consideration for Vendors Hired by City

Departments responsible for contracting with vendors that will be providing services to the public should include the requirement of the vendor to comply with the City's Language Access Policy, where appropriate. It is recommended to include language in Requests for Proposals, Requests for Quotes and Request for Bid documents that refer a potential bidder to the City's Language Access Policy and be asked to address within the response if the bidder can provide services to customers with limited English proficiency.

Periodic Review

The City and departments that have established language access plans should periodically review, reassess, and update their plans. They should ensure that the scope and nature of language assistance services reflect updated information on relevant populations with limited English proficiency; City or department language assistance needs; changes in technology and resources; and City or department experience under the plan.

Further, the City and departments should take reasonable efforts to ensure that in-house and contract language services, directory of translated documents, signs, and web-based services are current and meet current language needs.

Approved:

/s/ Norberto Duenas
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Date

Approved for Posting:

/s/ Jennifer Schembri
Director of Employee Relations

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Date