



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Mark Love
Interim Director of Human
Resources Management

SUBJECT: Equal Access to Services Ordinance
Annual Compliance Report

DATE: October 24, 2023

City Administrator Approval: 

Date: Oct 5, 2023

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report Regarding The Annual Equal Access To Services Ordinance Compliance Report For Fiscal Year 2022-23.

EXECUTIVE SUMMARY

This report serves as the City Administrator's Annual Compliance Plan and Report on the implementation of the Equal Access to Services Ordinance (EAO) for the period July 1, 2022, through June 30, 2023, with detailed reporting of the City's compliance activities.

BACKGROUND/ LEGISLATIVE HISTORY

Title VI of the Civil Rights Act of 1964 provides, "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." Title VI regulations require recipients of federal funding to take reasonable steps to ensure meaningful access to benefits, services, and information for individuals with Limited English-speaking Proficiency (LEP), to facilitate engagement by LEP, to establish complaint procedures, and to develop Language Assistance Plans.

California Government Code § 11135 prohibits discrimination by agencies that receive state funds and requires them to provide equal access without regard to race, color, national origin, or ethnic group, and the Bilingual Services Act, Ca. Gov. Code §7290 et seq., requires that every local public agency provide language access services to persons who are LEP.

The City of Oakland Title VI Plan and Language Access Plan establish standards and procedures for promoting meaningful access to City programs and activities to persons, including LEP Persons. It supplements, but does not supersede, Equal Access to Services Ordinance ([No. 12324](#)), Municipal Code Chapter 2.30, or the requirements of the City's Settlement Agreement in *Family Bridges et al. v. Lindheim*, Case No. RG 08049445 and *Echo, et al. v. City of Oakland, et al.*, Case No. RG 08409443.

ANALYSIS/ POLICY ALTERNATIVES

Staff recommends that the City Council receive this informational report for Fiscal Year 2022-23. By implementing a language access policy, everyone living, working, visiting, or doing business with the City is provided with fair and equal opportunity to access City programs and services, regardless of what language one speaks. It helps advance Citywide priorities in all areas. The priorities are 1) **holistic community safety**, 2) **housing, economic, and cultural security**, 3) **vibrant, sustainable infrastructure**, and 4) **responsive, trustworthy government**. It is of paramount importance that all people accessing or engaging in City programs, including limited-English-speaking persons, have the opportunity to participate meaningfully. Our language access policy establishes standards and procedures for promoting meaningful civic engagement.

Chart 1: Citywide Compliance Snapshot FY 2022-23

Total City population*	430,553
% of residents speaking non-English language at home	40%
#1 most common non-English language	Spanish
#2 most common non-English language	Chinese
Total public contact staff	2,308
Total public contact staff who is bilingual	485
Departments required to file a report	27
Departments filed a report	27
Number of language access complaints received	0
Document translation produced	511
Hours of interpretation provided	720
Hours of over-the-phone interpretation provided **	575
Compliance poster & I-speak card location reported	114

* July 1, 2022, <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/POP815221#POP815221>

**OFD & OPD data not included

1. City Of Oakland Implementation Of A Four Factors Analysis

Using qualified bilingual employees, qualified interpreters, qualified translators; telephone, internet, or video interpretation; and translated materials, the City of Oakland provides meaningful access to programs and activities to members of the public who are limited English-speaking. "Limited English Proficient (LEP) Person" means an individual who does not speak English as his or her primary language and has a limited ability to read, speak, write, or understand English. Every department appoints a Language Access Coordinator to coordinate language access with the Equal Access Office. Language services are offered at no cost to the public.

In addition to City Ordinance requirements, Federal & State financial assistance recipients are required to take reasonable steps to provide meaningful access to LEP persons, and a four-factor analysis is commonly used. The City of Oakland is committed to providing meaningful access, which starts with an assessment that balances four factors as shown in **Chart 2**.

Chart 2: Four Factor Analysis

Factor #1: City of Oakland assesses the number and proportion of LEP persons.	Factor #2: The frequency with which LEP persons come into contact with the City’s programs and services.
<ul style="list-style-type: none"> • US Census Data & American Community Survey (16001) is reviewed. • Both community-based (population based on zip code) and Citywide analysis are conducted. 	<ul style="list-style-type: none"> • Citywide Language Access Survey is used for assessment. Demographic data is analyzed for language use and contact with City’s program and activities. Survey gathers feedback and suggestion gathered from LEP persons.
<ul style="list-style-type: none"> • Citywide Language Access Survey is conducted every two years to assess the number and proportion of LEP persons in Oakland. 	<ul style="list-style-type: none"> • Evaluation meetings with contracted vendors who routinely come in contact with the City of Oakland’s clients and employees.
<ul style="list-style-type: none"> • The 10,000 LEP Group & the 1,000 LEP Group are identified and reported to City Council. 	<ul style="list-style-type: none"> • Training and discussions with City staff who regularly come in contact with LEP persons.
Factor #3: The nature and importance of the program or activity.	Factor #4: The resources available and costs to the City.
<ul style="list-style-type: none"> • Summary of each department’s organization structure, and programs are reviewed. 	<ul style="list-style-type: none"> • Summary of language resources is available to all City employees.
<ul style="list-style-type: none"> • Each department assigns a management level employee as Language Access Coordinator. to assess the importance of its programs to LEP persons and coordinate service access. 	<ul style="list-style-type: none"> • Over-the-phone interpretation instruction, compliance poster and I- speak card is available at all service locations.
<ul style="list-style-type: none"> • The list of vital documents and notices advising LEP persons of the availability of free language assistance is assessed. 	<ul style="list-style-type: none"> • Actual expenses on translation and interpretation are reported annually to help the department develop a budget for the next year.
<ul style="list-style-type: none"> • Input from contracted translators and interpreters, service partners, and Language Access Coordinators is collected. 	<ul style="list-style-type: none"> • Contract agreements are publicly available information accessible through our City Clerk’s office. Languages list, cost structure, and scope of service are included in the contract. All language service contracts are presented publicly at City Council meetings and available for public comment.

2. Language Groups Identified

The City of Oakland relies on the United States Census Bureau’s American Community Survey (16001) for LEP data. The two language groups that meet the 10,000 threshold requirement are Spanish and Chinese, while the language groups that meet the 1,000 thresholds are Vietnamese, Arabic, Tagalog, Khmer, and Korean. The percentage of LEP population is used as a guideline for the measure of minimal compliance for public contact position bilingual employees as specified in the Equal Access to Services Ordinance Unless otherwise noted, “bilingual employees” mentioned in this report refer to those who are bilingual in English/Spanish languages or English/Chinese languages; this report does not include an account of employees who may be bilingual in other languages.

Chart 3: Language Groups in Oakland	Language	LEP Population	Threshold %
Threshold Language Group	Spanish	45,675	11%
(At least 10,000 LEP)	Chinese	19,722	5%
LEP Language Group	Vietnamese	5,261	
(At least 1,000 LEP)	Arabic	2,173	
	Tagalog	1,474	
	Khmer	1,061	
	Korean	1,040	

3. Interpretation Of Oral Communications

3. (a) Bilingual Employee

The City is committed to hiring bilingual employees in Public Contact Positions (PCP) and/or contracting with qualified vendors to timely and adequately serve LEP interacting with the City. PCP is defined as “a position, whether of a clerical, service, professional or sworn nature, that emphasizes greeting, meeting, contact, or provision of information and/or services to the public in the performance of the duties of that position.” Bilingual employees help bridge communication gaps and create a more diverse service environment. There are 2,308 PCP in the City, of which 369 positions are filled with bilingual English/Spanish speaking employees, and 116 positions are filled with bilingual English/Chinese speaking employees. Bilingual PCPs accounted for 21% of all PCPs who routinely work with the public.

Chart 4: Citywide Assessment FY 2022-23			SPANISH-SPEAKING		CHINESE-SPEAKING		# of Multilingual Phonic Message
DEPARTMENTS	FTE	PCP	BPCP	%	BPCP	%	
MINIMUM GOAL			11%		5%		
3							
ANIMAL SERVICES	21	15	3	20%	1	7%	0
CITY ADMINISTRATOR	59	27	4	15%	3	11%	2
CITY ATTORNEY	80	9	1	11%	1	11%	1
CITY AUDITOR	8	4	0	0%	0	0%	1
CITY CLERK	16	4	1	25%	1	25%	1
CITY COUNCIL	41	39	4	10%	0	0%	2
COMMUNITY POLICE REVIEW	16	14	2	14%	2	14%	1
ECONOMIC WORKFORCE	67	13	5	38%	3	23%	1
FINANCE	147	52	8	15%	4	8%	1
FIRE	576	476	52	11%	9	2%	6
HOUSING	60	36	7	19%	5	14%	3
HUMAN RESOURCES	49	2	1	50%	1	50%	3
HUMAN SERVICES	246	105	15	14%	5	5%	5
INFORMATION TECH	70	0	0	n/a	0	n/a	n/a
MAYOR	11	10	1	10%	1	10%	0
OFFICE OF INSPECTOR GENERAL	6	1	0	0%	0	0%	0
PARKS RECREATION & YOUTH	232	213	12	6%	0	0%	17
PLANNING & BUILDING	160	98	16	16%	9	9%	5
POLICE	1,036	893	137	15%	30	3%	6
POLICE COMMISSION	2	1	1	100%	0	0%	0
PUBLIC WORKS	717	25	4	16%	3	12%	6
PUBLIC ETHICS COMMISSION	6	2	1	50%	0	0%	0
PUBLIC LIBRARY	267	145	72	50%	31	21%	9
RACE & EQUITY	4	0	0	n/a	0	n/a	5
TRANSPORTATION	419	93	15	16%	6	6%	3
VIOLENCE PREVENTION	32	21	5	24%	0	0%	1
WORKFORCE & EMPLOYMENT	15	10	2	20%	1	10%	0
TOTAL	4,363	2,308	369	16%	116	5%	79

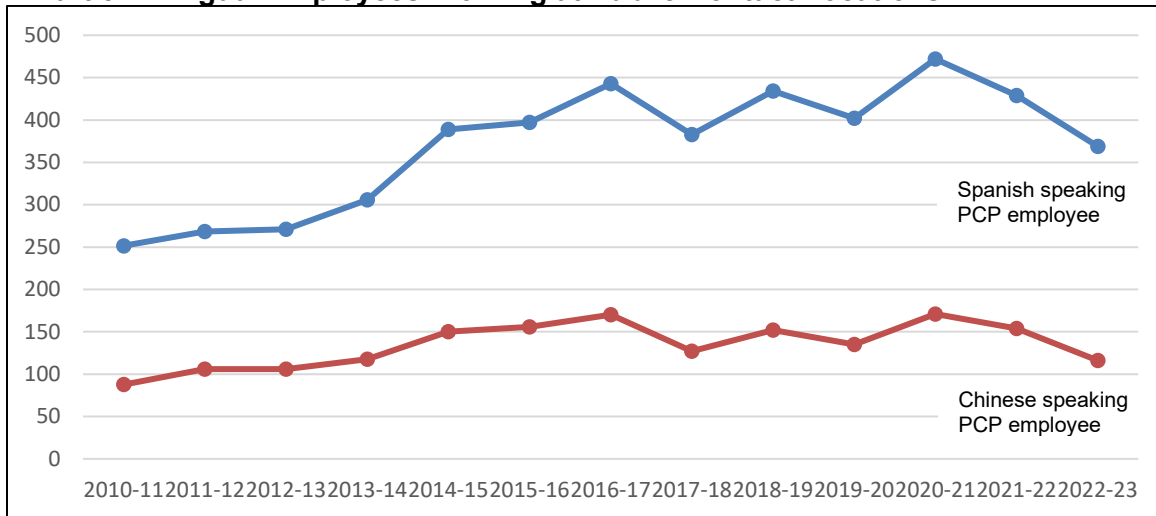
Data in this report is analyzed based on the Full Time Equivalent (FTE) for all positions.

FTE = Full Time Equivalent BPCP = Bilingual Public Contact Position PCP = Public Contact Position

☐ = Area of concern n/a = Not applicable due to zero public contact position or no public contact

Chart 4 shows the Citywide status of the provision of bilingual employees and multilingual telephonic messages across departments. Areas of concern are noted in the chart. **Chart 5** plots out the number of bilingual PCP employees reported since FY2010-11, where specific instructions on selective certification is provided through Administrative Instruction 145. Data shows an overall upward trend, however, data appears to trend downward for the last two fiscal years. City ordinance requires department that does not have sufficient bilingual public contact position employees to apply for selective certification in the hiring process. Any exceptions that deviate from ordinance provisions are to be reported to the Finance and Management Committee. During FY 2022-23, selective certifications hiring exemptions were requested by the Fire department and granted by the Office of the City Administrator on the following job openings: Hazardous Materials Specialist, Fire Communication Dispatcher, Hearing Officer, Fire Inspector (Civilian), Emergency Medical Technician, Community Intervention Specialist, and Public Information Officer I.

Chart 5: Bilingual Employees Working at Public Contact Locations



3. (b) Over-the-Phone Interpretation Service & Contracted Language Partners

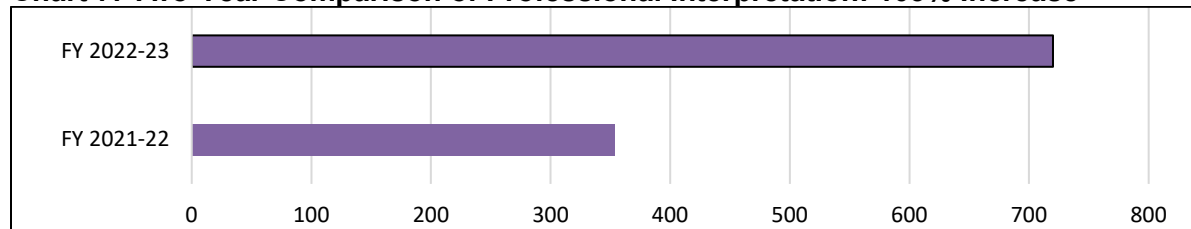
The City's Equal Access Office is contracted with four language service companies to provide language services. One of the contracted services is over-the-phone interpretation. City employees have access to over-the-phone interpreters 24/7 to quickly reach an interpreter.

Chart 6: Top Languages Requested for Interpretation

Over-the-Phone Interpreter		Pre-scheduled Interpreter	
Spanish	49%	Spanish	48%
Cantonese	26%	Cantonese	33%
Mandarin	17%	Mandarin	11%
Vietnamese	3%	Vietnamese	3%
Korean	2%	Korean	0%
Other	3%	Other	5%

The total number of professional pre-scheduled interpretation hours provided equals 720 hours. In comparison, 354 hours were provided in the prior year. This indicates a 103% increase in service usage. One major factor is the provision of simultaneous interpretation at City Council meetings. During FY 2022-23, interpretations provided at Council meetings totaled 419 hours of usage. This service greatly improved access to City Council meetings by LEP persons, broke down language barriers, and increased civic engagement opportunities.

Chart 7: Two-Year Comparison of Professional Interpretation: 103% Increase



3. (c) Multilingual Telephonic Messages

City policy asks that departments maintain telephonic messages in threshold LEP language(s) that cover basic information such as its operation, business hours, and service availability. 79 telephone numbers are reported this year equipped with multilingual messages. Details are included in the departmental reports in (**Attachment A**).

4. Translation Of Materials

The City arranges for the translation of written materials into languages spoken by threshold LEP language groups and into LEP language groups upon request. Much of the materials translated are intended for public dissemination, such as vital documents. Vital Document refers to written information that contains information critical for obtaining City services and/or benefits. Examples include applications, intake forms, complaint forms, posters, and fact sheets. Vital documents are reported in the individual departmental report in (**Attachment A**). There are other documents being translated throughout the year. These could be translations requested by the public or letters prepared for one particular individual, or letters received by the City. The Equal Access Office functions as a central hub taking in service requests from all City departments and providing necessary coordination with Language Access Coordinators. A total of 511 translated materials were produced through the Equal Access Office this year. This count does not include any City department that uses its internal bilingual employee, contracted consultant, or services provided by community partners for written translations.

The global pandemic of Covid-19 impacted many areas of our lives. It also made a big impact on our language services.

Because of the global pandemic of COVID-19, and the need for the City to issue health advisories and other important information to the public, translations produced jumped by 121% as compared to the pre-pandemic year. The number is gradually coming down since FY 2019-20 and returned to a level similar to pre-pandemic time.

Expedited or rush translation service became available in 2016 after the terms were added to a contract agreement with professional language service companies contracted with the City of Oakland. Prior to that, the standard translation turnaround time is two weeks. The contractual change improves efficiency and makes it possible for two business days turnaround for urgent or time-sensitive documents. Service usage started low. Rush service was used only a few times pre-pandemic. However, the Equal Access Office experienced a 471% increase in the demand for rush translation service in FY 2019-20. Important health advisories need to be disseminated timely. Notices stating disruption and changes to City services are also important to reach the community as quickly as possible. The number seems to be coming down. Yet, FY 2022-23 totaled 98 rush requests, which is still a 216% increase as compared to FY 2018-19.

Chart 8: Translation Produced in A 5-Year Period

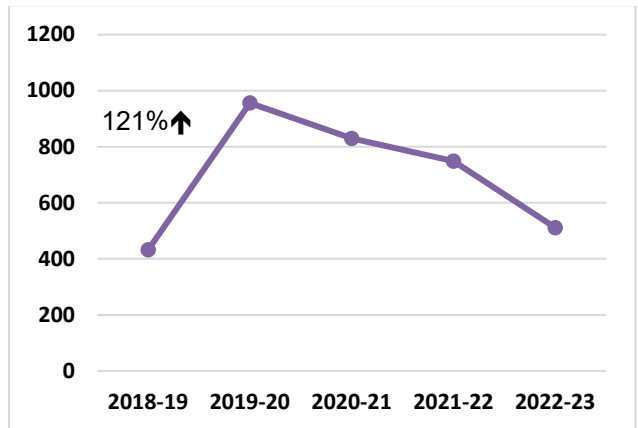
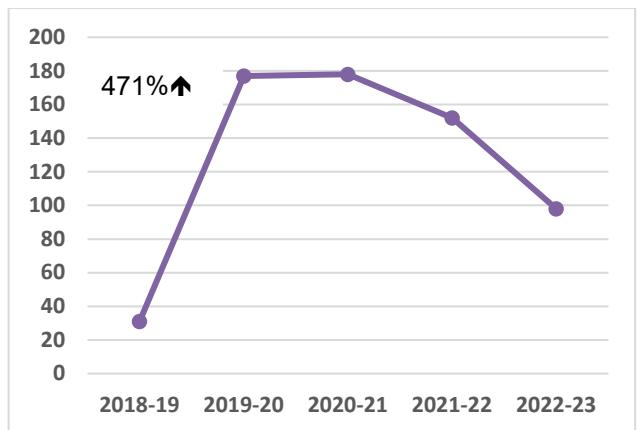


Chart 9: Rush Requests in A 5-Year Period



5. Training, Resources & More

The City of Oakland has a robust employee training program and has fostered a culture for building equity and inclusion. Over a dozen classes are offered each month, in addition to hundreds of on-demand virtual classes. All employees receive language access training and resources during new employee orientation. Supervisors receive information during supervisor academy training. A Frequently-Asked-Question (FAQ) page is disseminated at all language access trainings. Language Access Coordinators meet and review compliance items annually. The “I-speak” card or language list is embedded into our compliance poster. Compliance poster is available in poster size, regular size, desktop size with easel, and digital version. Over-the-phone dialing instruction is available in print and in digital format. Materials are available for pick up at the Equal Access Office. Citywide language access survey is conducted biennially. The next survey is scheduled for 2024.

Chart 10: Citywide Training FY 2022-23

Monthly	New Employee Orientation – Language Access Training
Quarterly	Supervisor Academy - Language Access Training
Annual	Language Access Coordinator Meeting
Other Citywide Training Related to Inclusion, Race, Equity and Equal Access FY 2022-23:	
A Guide for Healthy Communications	
ADA in a Nutshell: The TAKEAWAY for Managers	
Administrative Instruction #580 City Race and Equity	
Administrative Instruction #71 Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy	
Bilingual Certification - Administrative Instruction 558 (AI - 558)	
Bilingual Pay Process Review Training (New form)	
Engaging with an ADA / Language Access Lens - (Inclusive Accessibility Training)	
Equity 101	
Gender Inclusion Policy AI #73 and Inclusive Language Training	
HRM Equity Lab: Immigration and Race	
HRM Equity Lab: LGBTQ+ Community, Equity and Inclusion	
Implicit Bias and Social Power	
Implementing Equity	
Inclusive Engagement, Accountability and Local Government	
Racial Equity Impact Analysis Training (REIA)	
Reducing Bias and Cultivating Inclusion in the Workplace	
Results Based Accountability Workshop/ Racial Equity Impact Analysis Worksheet	
Title VI Civil Rights Act Training - City of Oakland	
Working with People with Access and Functional Needs (PAFN)	

Total number of language access complaints received is 0. The compliance poster includes information about the right to file a complaint, and the message is shown in multiple languages.

The total number of bilingual language fluency tests administered is 111. The City of Oakland continues to support bilingual employees by administering bilingual tests and verifying language skills. As of pay period ending June 23, 2023, 568 City employees receive bilingual pay.

Equal Access office assess internal language services structure and expenditures. Information provides insight for the City’s budget planning for the next budget cycle. Citywide expenditures summarize expense records collected from multiple City departments.

Chart 10: Language Service Expenditures FY 2022-23

Professional Pre-Scheduled Interpretation	\$	203,590
Over-the-Phone Interpretation*	\$	105,752
Professional Translation	\$	98,846
Bilingual Test Testing Fee	\$	5,920
Bilingual Pay	\$	706,226
Total Citywide Expenditures	\$	1,120,334

*OFD data not included

6. Conclusion

The City of Oakland recognizes its responsibility to ensure fairness, equal opportunity, and equity in all its programs, services, and activities. The intent of the City of Oakland Equal Access to Services Ordinance is to create a service environment where every customer receives the same quality of services regardless of English language proficiency. This annual review process continues to guide departments in developing practices required to meet the diverse population in Oakland and ensure that residents and visitors have full and equal access to City services. Every City department is asked to actively participate in this review process and submit a department compliance report. The city department review and confirm the availability of compliance posters, I-speak cards, vital document translations, multilingual telephonic messages, employee resources, and training. Individual City departments' compliance reports are attached to this agenda report as (**Attachment A**). The departmental Language Access Coordinator, in consultation with the department head, prepares the report. This report summarized Citywide efforts and data for Fiscal Year 2022-23. City department is recommended to continue including LEP Language Groups in its overall public engagement strategies, including by (1) scheduling meetings at times and locations that are convenient and accessible for LEP communities; (2) using different meeting sizes and formats, (3) coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach LEP communities; and (4) using advertisements placed through radio, television, newspaper, online, and other forums that serve or reach LEP populations. The Equal Access Program office will continue to support City departments in its effort to engage all community groups, including the limited-English speaking population groups, in City programs.

FISCAL IMPACT

This is an informational report intended to provide an update on implementing the Equal Access to Services Ordinance. Acceptance of this report and its recommendations has no fiscal impacts or cost implications.

PUBLIC OUTREACH

No outreach was deemed necessary for the presentation of the information contained in this report beyond the standard City Council agenda noticing procedures.

COORDINATION

The Equal Access Unit of the Human Resources Management Department (HRM) coordinated the collection, compilation, and reporting of data with the Language Access Coordinators in each City department. Budget & the City Attorney's Office were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: There is no economic opportunity associated with this report.

Environmental: There is no environmental opportunity associated with this report.

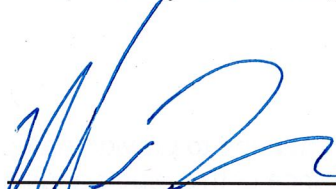
Race & Equity: The Equal Access to Services Ordinance was enacted to provide equal access to City services to all Oakland residents, including those with limited proficiency in English. Language access policy requires City departments to provide equal access to services without regard to national origin or ethnic group.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive this informational report regarding the Annual Equal Access to Services Ordinance Compliance Report for Fiscal Year 2022-23.

For questions regarding this report, please contact May Tam, Program Analyst III, at (510) 238-3112.

Respectfully submitted,



MARK LOVE

Interim Director of Human Resources

Reviewed by:

Tina Pruett, Human Resources Manager

Prepared by:

May Tam, Program Analyst III

Equal Access Program of Human Resources

Attachments: (1)

(A) Comprehensive record for FY 2022-23