

CITY OF OAKLAND OFFICE OF THE CITY CLERK
AGENDA REPORT

2006 APR 27 PM 7:34

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: City Administrator's Office-Equal Access
DATE: May 9, 2006

RE: Status Report of the Implementation of the Equal Access Ordinance and Recommendations for Improving Language Access to City Services for Oakland's Diverse Population

SUMMARY

This report provides the City Council with Fiscal Year (FY) 2004-05 information on the manner and progress of City Departments and subdivisions to comply with the Equal Access Ordinance (Ordinance).

FISCAL IMPACT

This is an informational report. Fiscal impacts are not included.

BACKGROUND

The Dymally-Alatorre Bilingual Services Act (California Government Code Section 7290 et. Seq.) was signed into law in 1973. It was designed to eliminate language barriers that prevent people who do not speak or write English, or because their primary language is other than English, from having equal access to public services. The Act mandates State and local agencies directly involved in providing information or in rendering services to the public to, in specifically prescribed situations, employ a sufficient number of qualified bilingual persons in Public Contact Positions (PCPs) to ensure information and services are provided to the public in the language of the non-English speaking person.

The Act further mandates that every State and local agency that serves a substantial number of non-English speaking people, and provides materials in English to explain their 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.

The Act also requires that each State and local agency survey each of their local offices and facilities every two years to obtain information about the public served. The results of the survey are compiled by the California State Personnel Board and reported to the Legislature.

On May 8, 2001 the City of Oakland became the first city in the nation to pass an Equal Access to Services Ordinance (Ordinance No. 12324 C.M.S.) with the purpose of removing language

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barriers for limited English speakers attempting to access City services. Section 2.30.040 Bilingual Staffing clauses (a) to (c) of the Ordinance require all City departments to “*hire a sufficient number of bilingual employees in Public Contact Positions so as to adequately serve members of the Substantial Number of Limited English Speaking Persons Group(s) in the City of Oakland. The City Manager will determine the adequacy of service to members of the Group(s) upon review of each Department's compliance plan.*”

To comply with the Ordinance, City departments are required to provide language access for residents who are Limited English speaking Proficient (LEP) individuals through the availability of (1) bilingual staff in PCPs, and (2) translated written and spoken outreach materials such as brochures, applications, telephone hotlines, etc.

Because there are more than 125 languages and dialects spoken in Oakland, the Ordinance targets those LEPs who speak a language spoken by at least 10,000 City residents. According to the 2000 U.S. Census report, the City has a total population of 399,484 -- of which 44,407, or about 11%, speak only Spanish and 33,922 (8.5%) who speak only Chinese. Therefore, Spanish and Chinese (both Cantonese and Mandarin) meet the Ordinance threshold and are part of the City's service delivery.

Using the 2000 U.S. Census Report information and the Ordinance established threshold, in order to achieve optimum bilingual staffing levels, the number of bilingual staff in City departments, where PCPs are readily available for assistance, should include as a minimum 11 percent of staff who speak Spanish and 8.5 percent who speak Chinese (4.25 percent in Cantonese and 4.25 percent in Mandarin)..

To evaluate compliance during FY 2004-05, all City departments completed a general summary report to assess citywide language access. The Compliance Summary Report requested that City departments submit their FY 2004-05 language access activities as follows:

- **Numbers of PCPs**, their locations, which positions are currently filled by a bilingual person, languages staff speak, how many positions were filled by bilingual and non-bilingual employees, and how many of these positions were vacant.
- **Recruitment efforts**, including the services of contracted recruiting firms, and number of bilingual and non-bilingual candidates hired through them.
- **Written complaints** received from LEPs.
- **Number of outreach materials**, total number of materials translated into Spanish, Chinese or other languages and total number of outreach materials that remain to be translated for FY 2004-05 / FY 2005-06.

- **Translation efforts** by means of in-house bilingual staff or contracted translators/interpreters, department's language access written policies, and allocated funds for translation services for FY 2005-07.

Two thousand one hundred and forty-two (2,142) employees were employed in PCPs in FY 2004-05 (Attachment A), of which 481 were bilingual. Based on this data, there are not enough PCPs to assist LEPs in their language of preference. This shortage can lower the efficiency of both non-bilingual PCPs and non-PCPs as follows:

- Non-bilingual PCP staff cannot effectively communicate with City LEPs. If bilingual PCPs are not available, then a request must be made for the assistance from a bilingual staff person who is not in a PCP position.
- Bilingual non-PCP staff repeatedly become absent from their everyday duties to serve as interpreters for non-bilingual PCPs, often in areas where the duties involved may be less familiar.

Department management teams are encouraged to hire bilingual Spanish and Chinese speakers in PCP vacancies. In the meantime, City departments continue to employ alternate ways of providing language access:

- Continue to draw on existing bilingual employees in non-PCPs
- Request assistance from bilingual volunteers from CAO-Equal Access Office (CAO-EAO)
- Outsource interpreters and translators or request help from nearby non-profit organizations' bilingual staff.

The completed City department Annual Status Summary Report (Attachment A) yielded the following information:

Table 1
Existing Public Contact Positions (PCPs) Matrix

Agency	Total PCPs	Total Bilingual PCPs	Total Spanish-Speaking PCPs	Total Chinese-Speaking PCPs	Total Cantonese-Speaking PCPs	Total Mandarin-Speaking PCPs	Total PCP Hires	Total Bilingual PCP Hires	Total Current Vacancies in PCPs
Community and Economic Development Agency	35	8	4	1	1	0	0	0	0
City Attorney's Office	79.65	4	2	1	0	1	0	0	0
City Auditor's Office	2	0	0	0	0	0	0	0	0
City Clerk's Office	6	1	0	1	.5	.5	2	2	1
City Administrator Office	4	2	2	0	0	0	0	0	0
Financial Management Agency	53	16	8	7	4.5	2.5	0	0	2
Fire Department	530	73	46	6	5	1	41	Tbd*	4
Human Services Department	168	50	25	13	13	13	2	2	12
Library Services	231	132	52	44	26	18	75	16	19
Oakland Museum	16	6	2	3	1	2	0	0	0
Parks and Recreation	74	35	14	4	3	1	0	0	0
Mayor's Office	7	3	2	1	.5	.5	2	2	0
Police Department	892	143	92	21	18	3	15	7	176
Public Works Agency	44	8	4	1	1	0	0	0	0
Totals	2,141.65	481[^]	253	103	73.5	42.5	137	29	214
Percent of Total		22.5%	11.8%	4.8%	3.4%	2.0%	6.4%	1.4%	10.0%

(*) At time the report was written, Fire Department was conducting final recruitment interviews and was unable to determine bilingual candidates hired.

(^) Of the 481 bilingual staff in PCPs, 125 (5.83 %) of total PCPs speak other languages (e.g., Tagalog, French, Japanese, Korean, etc).

KEY ISSUES AND IMPACTS

1. Bilingual Employee Recruitment

Number of Bilingual Hires in PCPs

By FY 2004-05, 137 employees were hired into PCPs, compared with 25 for FY 2002-03, an increase of 112 employees. In FY 2004-05, 29 hires were bilingual -- an increase of 19 employees over the 10 bilingual hires during FY 2002-03. The distinction is made between data from FY 2004-05 and FY 2002-03 since staff changes were minimal during FY 2003-04, due to unplanned layoffs and a hiring freeze.

Bilingual Recruitment Efforts

Though recruitment activities for City employment were significantly reduced in FY 2002-03, CAO-EAO expanded and improved its outreach and networking efforts to locate bilingual recruits. During FY 2004-05 the CAO-EAO, along with the Office of Personnel, generated pools of qualified applicants by enhancing contact with a more culturally diverse media field; thereby enabling the bilingual recruitment process to be more targeted and effective particularly for available vacancies.

Bilingual Pay Implementation

According to the City's payroll records, 325 City employees receive bilingual pay as follows:

• Police Department	157
• Public Library	47
• Department of Human Services	37
• Community and Economic Development Agency	19
• City Administration (Administrator, Attorney, Clerk, Mayor)	9
• Public Works Agency	7
• Other Agencies	49
Total	325

Since 2001, fifty-one (51) newly hired employees have been tested for their proficiency in a foreign language and are currently receiving bilingual pay.

Administrative Instruction 558 (Bilingual Pay) was updated to reflect bilingual pay integration into the hiring process, guidelines for requesting foreign language verbal testing and payment process.

2. **Public Contact Positions (PCPs)**

The Equal Access to Services Ordinance (Ordinance No. 12324 C.M.S. Section 2.30.020-g) defines Public Contact Position 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.*”

After its adoption in May 2001, the above definition from the Equal Access to Service Ordinance was determined to be too broad. In order to identify specific City PCPs by employment classifications, an ad hoc committee of City Administration personnel defined a Public Contact Position as *a position who serves the public 50% or more of the time whether in person, by phone or through correspondence.*

The 50% threshold established by the Equal Access Committee eliminated a number of classifications from being considered as PCPs, including a significant number of personnel in administrative, management and executive level positions, and staff in field inspection classifications, and are therefore not cited in this report.

Bilingual Staff in Public Contact Positions

In FY 2002-03, there were 2,504 staff members in PCPs, of which 591 (23.6%) were bilingual. By FY 2004-05, there were a total of 2,141.65 staff in PCPs, of which 481 (22.5%) were bilingual. Of the 481 bilingual employees in FY 2004-05, 253 (11.8%) speak Spanish, thereby achieving the Equal Access Ordinance goal of 11 percent. Cantonese speaking PCPs accounted for 73.5 (3.4%), while Mandarin speaking PCPs accounted for 42.5 (2.0%).

By comparison, in FY 2002-03, there were 266 (10.6%) of PCPs who spoke Spanish; 89 (3.6%), who spoke Cantonese; and 43 (1.7%) spoke Mandarin. The distinction is made between data from FY 2004-05 and FY 2002-03 since staff changes were minimal during FY 2003-04, due to the aforementioned unplanned layoffs and hiring freeze..

3. **Material Translation**

Number of Translated Materials

During FY 2004-05, a total of 270 City departmental documents were translated into the Ordinance’s standard languages; an average of 300 forms per fiscal year since the Ordinance’s inception. According to City projections, CAO-EAO will translate more than 152 documents during FY2005-06.

In general, the number of outreach materials translated throughout City departments has increased because much of the translation efforts continue to be assertively pursued. In the beginning, the City's documents were prioritized by each Department's service needs; however CAO-EAO's currently accept a majority of incoming translation requests from Departments (a breakdown of the total number of translated documents per City department is included in Attachment A).

CITYLINE (the City's multilingual recorded telephone system) was launched in May 2003. In FY 2002-03, a total of 380 CITYLINE messages were translated into Spanish, Chinese (Cantonese and Mandarin), and Vietnamese.¹ During FY 2004-05 no updates were required to CITYLINE messages.

Translation and Interpretation Services

To meet the Ordinance's requirements, in November 2001 the CAO employed International Contact, Inc., a woman-owned, local qualified translation agency, under a 1-year contract to translate written and oral outreach materials, such as telephonic hotlines, public service announcements, CITYLINE recorded information, etc. for City Departments. Because the City lacked in-house resources to provide court certified or American Translators Association accredited translators (a translation standard required by the Ordinance) the contract was extended for another year during FY 2002-03. That Professional Services Agreement was to end in November 2004, but was extended until June 2005, by which time the CAO had completed the necessary recruitment efforts to create an internal translation division.

For FY 2004-05, all City Departments employed the services of CAO-EAO for translating vital outreach information. In addition, many drew on their existing bilingual personnel or obtained volunteer services from CAO-EAO bilingual volunteers to carry out interpretation efforts. In scenarios where budget was available for specific projects, City Departments such as the City Auditor's Office, some divisions within the Community and Economic Development Agency, the Fire Department, the Human Services Agency, the Oakland Museum and the Police Department used external translation organizations and freelance translators to produce some of their informational pamphlets. To ensure quality control, the CAO-EAO supervised City Departments to ensure all documents with critical or methodical information were translated accurately and appropriately by means of certified translators before becoming public.

Through the use of bilingual volunteers, CAO-EAO assisted 162 LEPs in communicating with City Departments during FY2004-05, in Spanish, Cantonese, Mandarin, Vietnamese and Korean.

¹ Though Vietnamese does not meet the Ordinance's 10,000 population threshold, requests from residents have been made to translate emergency, safety and entrepreneurial information into Vietnamese.

Distribution Procedures for Translated Materials

Departments print translated materials according to the printing specifications from CAO-EAO: Spanish on blue, Chinese on pink and Vietnamese on green colored paper. The color scheme aids LEPs by directing them to their respective translated language brochures and flyers. City staff and LEPs no longer have to search each document for the appropriate language. Departments ensure that all translated documents are placed in accessible areas such as reception counters and office lobbies for the convenience of the public.

4. Funding for Translation/Interpretation

Currently, the CAO-EAO funds all translation costs for all departments with a couple of exceptions: In 2005 the Community and Economic Development Agency's divisions allocated funds from their printing or operation and miscellaneous accounts to allocate funds for translation or interpretation in FY 2005-07. In addition, the Oakland Police Department is setting aside funds from Measure Y to address language access.

5. CAO-EAO Accomplishments during FY 2004-05

- Managed a Bilingual Volunteer Program, with 65 multilingual volunteers.
- Managed five (5) multilingual hotlines (Blight, Drug, Fireworks, Prostitution and Equal Access) in Spanish, Cantonese, Mandarin and Vietnamese.
- Conducts Citizen Academies in English (40 graduates) and Cantonese (40 graduates). The EAO also has the capacity to conduct Academies in Spanish, though none were requested in FY 04-05.
- Organized Small Business Bilingual Components in Spanish and Cantonese for the Small Business Symposium for Council Member Larry Reid.
- Assisted 174+ meetings through interpreters.
- Assisted approximately 1500+ LEP individuals at various City Departments located in the Frank H. Ogawa Plaza City complex.
- Shared best model practices with Washington, D.C. and New York City on their implementation of language acts.

BILINGUAL STAFF HIRING CRITERIA FOR CITY PUBLIC CONTACT POSITIONS

According to Oakland Municipal Code Section 2.30.040 - Bilingual Staffing, clauses (a) to (c), all City Departments "will hire a sufficient number of bilingual employees in Public Contact Positions so as to adequately serve members of the Substantial Number of Limited English Speaking Persons Group(s) in the City of Oakland."

The criteria for hiring bilingual personnel have been developed based on the Ordinance language above and several other indicators: The 2000 U.S Census report; the Ordinance's 10,000 population threshold; and the number of current bilingual staff in City departments.

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Source: 2000 U.S. Census

Language Spoken	Ages 5 - 17	18 and older	Total	Percent of City
English	40,684	194,053	234,737	59%
All languages other than English combined	30,810	106,004	136,814	
Spanish or Spanish Creole	19,091	52,554	71,645	18%
Chinese	4,282	22,961	27,243	6%
Vietnamese	1,859	5,891	7,750	1.90%
Tagalog	515	4,312	4,827	1.20%
Mon-Khmer, Cambodian	1,314	1,783	3,097	0.78%
African languages	366	2,443	2,809	0.70%
Other Asian languages	799	1,508	2,307	
French (incl. Patois, Cajun)	246	1,913	2,159	
Other Pacific Island languages	609	1,348	1,957	
Korean	81	1,254	1,335	0.33%
German	72	1,240	1,312	0.32%
Japanese	56	1,068	1,124	0.28%
Arabic	309	767	1,076	0.26%
Laotian	289	517	806	
Persian	112	603	715	
Portuguese or Portuguese Creole	96	608	704	0.17%
Italian	4	647	651	0.16%
Hindi	139	499	638	
Other Indic languages	49	573	622	

Language Spoken	Ages 5 - 17	18 and older	Total	Percent of City
Serbo-Croatian	189	426	615	
Russian	22	526	548	0.14%
Greek	23	323	346	0.08%
Thai	28	262	290	
Other West Germanic languages	40	227	267	
Hebrew	38	220	258	
Scandinavian languages	16	197	213	0.05%
French Creole	27	175	202	
Polish	28	162	190	0.05%
Other Indo-European languages	20	166	186	
Other and unspecified languages	12	160	172	
Hungarian	8	151	159	
Urdu	33	111	144	
Other Native North American languages	10	113	123	
Yiddish	0	94	94	0.02%
Armenian	11	74	85	
Gujarathi	10	54	64	
Navajo	0	31	31	
Other Slavic languages	0	27	27	
Miao, Hmong	7	16	23	
Totals:	71,494	300,057	371,551	

As noted earlier in the report, when using the City's U.S. Census reported demographics, 11% of City staff in PCPs would speak Spanish and 8.5 percent would speak Chinese (Cantonese and Mandarin). Special consideration would be given to City departments with fewer than ten staff members. These departments would be required to have at least one Spanish-speaking employee, one Cantonese-speaking employee or one Mandarin-speaking employee.

In order to achieve optimum staffing levels, City Departments will need to hire additional bilingual staff into vacant PCPs during future fiscal years. For example, 136 bilingual PCPs would be required -- 29 Spanish speakers and 107 Cantonese and/or Mandarin speakers.

PCPs Departmental Recruitment Guideline for Upcoming Fiscal Years

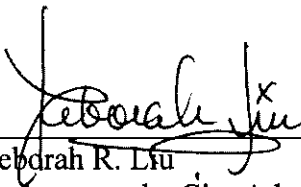
Demographic Goal: Spanish 11% Chinese 8.5%

Agency	Recommended Hires for Spanish-speaking PCPs	Recommended Hires for Chinese-speaking PCPs (Cantonese or Mandarin)	Recommended Total Bilingual Hires
CEDA	0	2	2
City Attorney's Office	7	6	13
City Auditor's Office	1	2	3
City Clerk's Office	1	0	1
City Administrator	0	2	2
Finance & Management Agency	0	0	0
Fire Department	13	39	52
Department of Human Services	0	0	0
Public Library	0	0	0
Oakland Museum	0	0	0
Parks and Recreation	0	3	3
Mayor's Office	0	0	0
Police Department	7	53	60
Public Works Agency	0	0	0
Totals	29	107	136

RECOMMENDATIONS

Staff recommends the City Council to accept this informational report on its activities. Staff will return to the Council after the Summer Recess with a follow up report recommending proposed amendments to the City's Equal Access Ordinance and revised standards for the continued implementation and compliance by City Agencies.

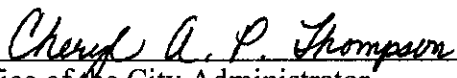
Respectfully submitted,



Deborah R. Liu
Assistant to the City Administrator
Equal Access

Attachment

APPROVED AND FORWARDED TO THE
FINANCE & MANAGEMENT COMMITTEE:



Office of the City Administrator

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**City of Oakland Equal Access Ordinance: FY 2004-05
Departmental Annual Status Summary Report**

	City Admin	City Auditor	City Clerk	CEDA	Fire	FMA	Human Services	Library	Museum	Parks & Rec	Mayor	City Attorney	Police	Public Works	Total FY 2004-05	Percent Total FY 2004-05	Total FY 2002-03	Percent Total FY 2003-04	Difference between 2002-03 vs 2004-05
Outreach Materials FY04-05																			
Total Outreach Materials	0	0	0	177	3	0	17	10	6	38	2	5	12	0	270		100		170
Total Materials Translated into Spanish	0	0	0	25	3	0	16	9	2	38	2	5	6	0	106		91		15
Total Materials Translated into Chinese	0	0	0	24	3	0	17	8	1	38	2	5	6	0	104		85		19
Total Materials Needed to be Translated FY05-06	0	0	0	41	2	0	n/a	4	1	100	0	0	4	0	152		31		121
Use of Internal Translating Services (Equal Access Office)	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes					
Use Internal Translating Services (Others)	no	no	no	yes*	yes	no	no	yes	yes*	yes	yes	no	no	no					
Use of External Translating Services	no	yes	no	yes	yes	no	yes	no	yes	no	no	no	yes	no					
Established Policy for Language Access	no	no	no	no	no	no	no	no	no	no	no	no	yes	no					
Established Distribution Procedures for Translated Materials	no	no	no	yes	yes	no	yes	yes	yes	no	no	no	yes	no					
Allocated Funds for Translation Services FY05-06	no	no	no	yes	no	no	no	no	no	no	no	no	yes	no					
Public Contact Positions (PCPs) FY04-05																			
Total Employees in PCPs	4	2	6	35	530	53	168	231	16	74	7	79.65	892	44	2141.65		2504		
Total Bilingual Employees in PCPs	2	0	1	8	73	16	50	132	6	35	3	4	143	8	481	22.50%	591	23.60%	-1.10%
Cantonese-speaking	0	0	0.5	1	5	4.5	6.5	26	1	3	0.5	0	18	1	67	3.40%	89	3.60%	-0.20%
Mandarin-speaking	0	0	0.5	0	1	2.5	5.5	18	2	1	0.5	1	3	0	35	2.00%	43	1.70%	0.30%
Spanish-speaking	2	0	0	4	46	8	25	52	2	14	2	2	92	4	253	11.81%	266	10.60%	1.21%
Other Languages Spoken	0	0	0	7	21	1	13	36	1	17	0	1	30	3	130	6.00%			
Total PCPs Hires FY04-05	0	0	2	0	41	0	2	75	0	0	2	0	15	0	137	6.40%	25	1%	5.40%
Total Bilingual PCPs Hires FY04-05	0	0	2	0	TBD	0	2	16	0	0	2	0	7	0	29	1.40%	10	0.40%	1.00%
Total Vacancies in PCPs	0	0	1	0	4	2	12	19	0	0	0	0	176	0	214	10.00%	36	1.40%	8.60%
Recruitment																			
Use of Internal Recruitment (Office of Personnel)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes					
Use of External Recruitment (Other Firms)	no	yes	no	yes	no	no	yes	yes	no	no	yes	no	no	no					
Total PCPs Hires by Recruitment (Other Firm)	no	n/a	no	n/a	no	no	n/a	n/a	no	no	n/a	no	no	no					
Total PCPs Bilingual Hires by Recruitment (Other Firm)	no	n/a	no	n/a	no	no	n/a	n/a	no	no	n/a	no	no	no					
Language Access Complaints																			
Bilingual Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Translated Material	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Recommendations																			
Hire Additional Bilingual Staff into PCPs during future FYs	YES	YES	YES	YES	YES	yes	yes	yes	yes	YES	yes	YES	YES	yes	136	6.35%	199	7.95%	-1.60%
Cantonese-speaking	1	1	0	1	19.5	0	0	0	0	1.5	0	3	26.5	0	53.5	2.50%	66	2.64%	-0.14%
Mandarin-speaking	1	1	0	1	19.5	0	0	0	0	1.5	0	3	26.5	0	53.5	2.50%	66	2.64%	-0.14%
Spanish-speaking	0	1	1	0	13	0	0	0	0	0	0	7	7	0	29	1.35%	67	2.68%	-1.33%

- *n/a-not available

- *YES- (Bold) indicates City Department does not have sufficient bilingual coverage.

- *yes- (not in bold) indicates adequate number of language coverage; however, recommendation is to hire additional bilingual staff.