



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Mary Hao  
Director of Human  
Resources Management

**SUBJECT:** Equal Access to Services Ordinance  
Annual Compliance Report

**DATE:** October 8, 2024

**City Administrator Approval:**

  
[Jestin Johnson \(Sep 23, 2024 12:06 PDT\)](#)

**Date:** Sep 23, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive An Informational Report Regarding The Annual Equal Access To Services Ordinance Compliance Report For Fiscal Year 2023-24.**

## **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, 2023, through June 30, 2024, 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's 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. These plans supplement, but do 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**

The City’s language access policy provides 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. Language Access helps advance Citywide priorities in all areas, including 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 2023-24**

Total City population*	406,554
% of residents speaking non-English language at home	37%
#1 most common non-English language	Spanish
#2 most common non-English language	Chinese
Total public contact staff	3,006
Total public contact staff who is bilingual	631
Departments/offices filed a report	27
Number of language access complaints received	1
Document translation produced	430
Hours of interpretation provided	469
Hours of over-the-phone interpretation provided**	632
Compliance poster & I-speak card location reported	86

\*US Census Bureau, American Community Survey, Table: ACSDT1Y2022.C16001

### **1. City Of Oakland Implementation of A Four Factors Analysis**

The City of Oakland provides meaningful access to programs and activities to members of the public who are limited English-speaking through the use of qualified bilingual employees, interpreters, and translators; telephone, internet, or video interpretation; and translated materials. “Limited English Proficient (LEP) Person” means an individual who does not speak English as his /her/their 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**

<p><b>Factor #1: City of Oakland assesses the number and proportion of LEP persons.</b></p>	<p><b>Factor #2: The frequency with which LEP persons come into contact with the City’s programs and services.</b></p>
<ul style="list-style-type: none"> <li>• US Census Data &amp; American Community Survey (16001) is reviewed.</li> <li>• Both community-based (population based on zip code) and Citywide analysis are conducted.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<ul style="list-style-type: none"> <li>• Citywide Language Access Survey is conducted every two years to assess the number and proportion of LEP persons in Oakland.</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation meetings with contracted vendors who routinely come in contact with the City of Oakland’s clients and employees.</li> </ul>
<ul style="list-style-type: none"> <li>• The 10,000 LEP Group &amp; the 1,000 LEP Group are identified and reported to City Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Training and discussions with City staff who regularly come in contact with LEP persons.</li> </ul>
<p><b>Factor #3: The nature and importance of the program or activity.</b></p>	<p><b>Factor #4: The resources available and costs to the City.</b></p>
<ul style="list-style-type: none"> <li>• Summary of each department’s organization structure, and programs are reviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Summary of language resources is available to all City employees.</li> </ul>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Over-the-phone interpretation instruction, compliance poster and I- speak card is available at all service locations.</li> </ul>
<ul style="list-style-type: none"> <li>• The list of vital documents and notices advising LEP persons of the availability of free language assistance is assessed.</li> </ul>	<ul style="list-style-type: none"> <li>• Actual expenses on translation and interpretation are reported annually to help the department develop a budget for the next year.</li> </ul>
<ul style="list-style-type: none"> <li>• Input from contracted translators and interpreters, service partners, and Language Access Coordinators is collected.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

**2. Language Groups Identified**

“Threshold Language Group” (also known as “Substantial Number of LEP Group”) means a group of at least 10,000 LEP residents of the City who speak a shared language other than English. The City will annually issue guidance identifying the Threshold LEP Language Groups.

“LEP Language Group” means at least 1,000 limited English-speaking residents of the City who speak a shared language other than English.

The City of Oakland Language Access Plan guideline for the 10,000 threshold language group is that translation for vital documents must be provided timely in threshold LEP languages, while translation of vital documents into 1,000 LEP language groups is upon request.

The City of Oakland relies on the US Census Bureau’s American Community Survey for LEP data. Census Bureau has modified data parameters and renamed B16001 table to C16001 table. According to Census Bureau, language groups data are aggregated to reflect a major language family or geographical area instead of an individually spoken language, and geographic restrictions are in place to protect data privacy for the speakers of smaller language groups. Population data set C1600 issued will be issued in October 2024 report and will be used as a guideline for FY2024-25 language access guidance as shown in **Chart 3**.

Chart 3: Language Groups							
2023 LEP Groups Identified				2024 LEP Groups Identified			
Oakland Population = 430,553				Oakland Population = 406,554			
			% of Population				% of Population
10,000 Group	Spanish	46,675	11%	10,000 Group	Spanish	41,468	10%
	Chinese	19,722	5%		Chinese	16,620	4%
1,000 Group	Vietnamese	5,261		1,000 Group	Vietnamese	3,742	
	Arabic	2,173			Tagalog	1,130	
	Tagalog	1,474					
	Khmer	1,061					
	Korean	1,040					
American Community Survey B16001				American Community Survey C16001			
Guideline used for FY2023-24 Compliance Review				Guideline to be used for FY2024-25 Compliance Review			

In the City of Oakland, the two language groups that meet the 10,000 threshold requirement are Spanish and Chinese languages. Population data is applied as a minimal goal for bilingual employee recruitment: 11% Spanish and 5% Chinese. 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 non-English languages.

### 3. Interpretation of Oral Communications

#### 3. (a) Bilingual Employees

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 3,006 PCP in the City, of which 483 positions are filled with bilingual English/Spanish speaking employees, and 148 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** compares population data to bilingual employee data.

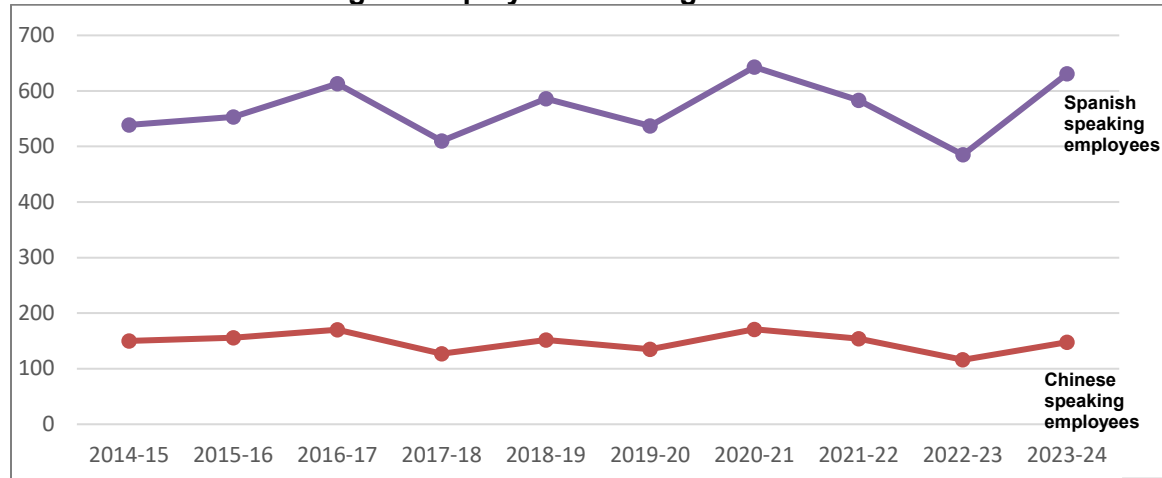
Chart 4: Compare Threshold LEP Data & City Bilingual Employee Data FY 2023-24		
Threshold LEP Group	% of Oakland Population	% of City PCP Employee
Spanish	11%	16%
Chinese	5%	5%
Total	16%	21%

Chart 5			SPANISH-SPEAKING		CHINESE-SPEAKING		# Vital Documents Identified & Translated	# of Multilingual Phonic Message	Language Service Notice Posted
Citywide Assessment FY 2023-24									
DEPARTMENTS	FTE	PCP	BPCP	%	BPCP	%			
<b>MINIMUM GOAL FOR FY 2023-24</b>				<b>11%</b>		<b>5%</b>			
ANIMAL SERVICES	33	33	5	15%	1	<b>3%</b>	46	1	1
CITY ADMINISTRATOR	69	34	4	12%	3	9%	0	2	1
CITY ATTORNEY	78	9	1	11%	1	11%	6	1	2
CITY AUDITOR	7	4	2	50%	0	0%	4	1	2
CITY CLERK	16	7	1	14%	1	14%	2	1	1
CITY COUNCIL	38	38	4	11%	0	<b>0%</b>	0	2	1
COMMUNITY POLICE REVIEW	15	11	2	18%	2	18%	2	1	1
ECONOMIC WORKFORCE	47	12	7	58%	2	17%	9	1	5
FINANCE	148	60	10	17%	5	8%	35	1	4
FIRE	596	475	21	<b>4%</b>	2	<b>0%</b>	45	6	2
HOUSING	70	43	5	12%	5	12%	22	3	1
HUMAN RESOURCES	48	5	3	60%	1	20%	19	3	2
HUMAN SERVICES	254	117	25	21%	6	5%	32	7	
INFORMATION TECH	75	0							
MAYOR	12	12	2	17%	2	17%	4	2	1
OFFICE OF INSPECTOR GENERAL	4	3	2	67%	0	n/a	1	1	1
PARKS RECREATION & YOUTH	1018	703	107	15%	37	5%	9	3	21
PLANNING & BUILDING	152	98	17	17%	11	11%	25	5	2
POLICE	978	843	175	21%	32	<b>4%</b>	53	5	9
POLICE COMMISSION	1	0					2	1	1
PUBLIC WORKS	725	34	3	<b>9%</b>	3	9%	120	6	3
PUBLIC ETHICS COMMISSION	8	8	0	<b>0%</b>	0	n/a	3	1	1
PUBLIC LIBRARY	306	283	66	23%	27	10%	11	9	18
RACE & EQUITY	4	0					1	5	2
TRANSPORTATION	430	126	12	<b>10%</b>	5	<b>4%</b>	10	3	2
VIOLENCE PREVENTION	37	35	7	20%	0	<b>0%</b>	2	1	1
WORKPLACE & EMPLOYMENT	15	13	2	15%	2	15%	14	2	1
<b>TOTAL</b>	<b>5,184</b>	<b>3,006</b>	<b>483</b>	<b>16%</b>	<b>148</b>	<b>5%</b>	<b>477</b>	<b>74</b>	

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 no or low # of public contact position (Statistically insignificant)

**Chart 5** above shows the Citywide status of the provision of major compliance areas across departments. Areas of concern are noted in the chart. **Chart 6** below plots out the number of bilingual PCP employees reported in the last ten years. Whereas data was trending downward for the last two reporting years, this year's data appear to break off from that trajectory and is trending upward again. Data shows the City of Oakland's commitment to hiring a sufficient number of bilingual employees that is proportional to Oakland LEP population statistics.

**Chart 6: Number of Bilingual Employees Working at Public Contact Locations**



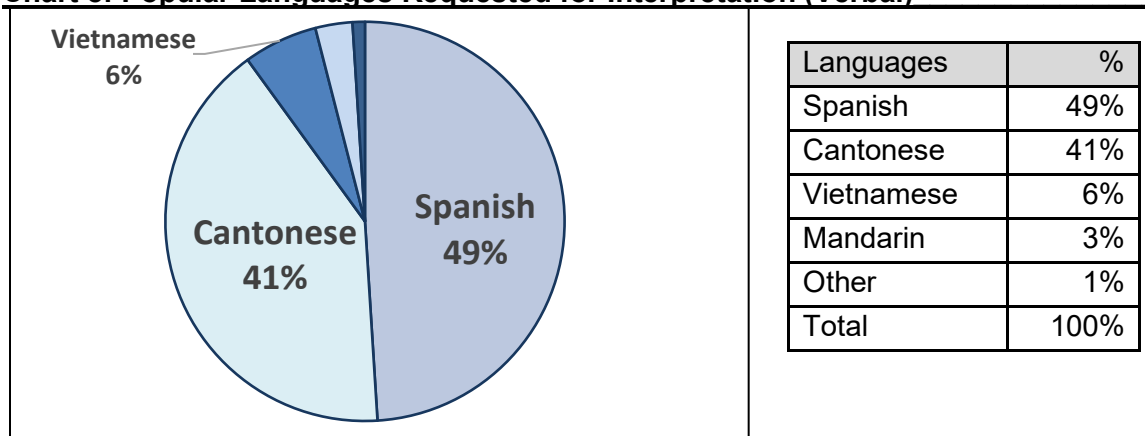
3. (b) Contracted Language Partners

The City’s Equal Access Office contracts with four language service companies to provide language services. Contractors provide American Translator Association certified translators, court-certified translators, on-site interpreters, over-the-phone interpreters, and more. Every language partner has the ability to cover over a hundred languages. **Chart 7** summarizes professional language service data. City employees have access to over-the-phone interpreters around the clock. In addition, **Chart 8** shows the most common languages requested for interpretation. Language service improved access to City programs and services, broke down language barriers, and increased civic engagement opportunities.

**Chart 7: Professional Translation & Interpretation Data FY 2023-2024**

Written Translation (translations produced)	430
Verbal Interpretation (interpretation hours provided)	469
Over the Phone Interpretation (interpretation hours provided)	632

**Chart 8: Popular Languages Requested for Interpretation (Verbal)**



### 3. (c) Multilingual Telephonic Messages

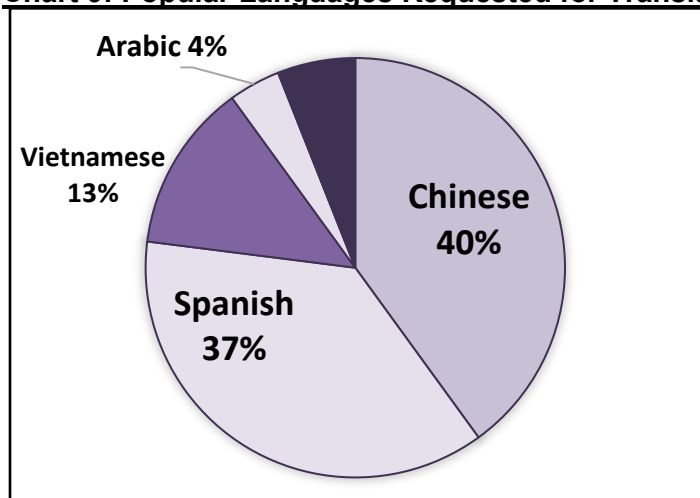
City policy requires that departments maintain telephonic messages in threshold LEP languages that cover basic information such as its operation and service availability. A total of 74 City telephone numbers are reported to be equipped with multilingual messages.

### 4. Translation of Materials

Upon request, the City arranges for the translation of written materials into languages spoken by threshold LEP language groups and into LEP language groups. Much of the materials translated are intended for public dissemination, such as vital documents. Vital documents refer to written information that contains information critical for obtaining City services and/or benefits, including applications, intake forms, complaint forms, posters, and fact sheets. 477 vital documents were identified and reported to have threshold language translation available.

In addition, there are other documents that are translated throughout the year. These may include translations requested by the public or letters prepared for one particular individual, or letters received by the City, or PowerPoint presentations for community engagement meetings. 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 430 newly 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, or bilingual materials provided by other public entities.

**Chart 9: Popular Languages Requested for Translation (Print/Written)**



Languages	%
Chinese	40%
Spanish	37%
Vietnamese	13%
Arabic	4%
Other	6%
Total	100%

### 5. Training, Resources, Bilingual Test & More

The City has a robust employee training program that fosters a culture for building equity and inclusion. Over a dozen different 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, which is mandatory training for all employees. Supervisors receive

information during Supervisory Academy training. A Frequently-Asked-Question (FAQ) page is disseminated at all language access training.

The City is committed to ensuring language access at all levels. Each City department is required to designate a management level employee as its Departmental Language Access Coordinator, who is responsible for implementing language access service at its department locations. Language Access Coordinators meet regularly and provide feedback and suggestions to the Equal Access Office for quality assurance and assessment.

Compliance posters are available in print and digital versions. An “I-speak” card or language list is embedded into our compliance poster. By posting the compliance poster, the I-speak card is displayed at the same time. The compliance poster includes information about the right to file a complaint, and the message is shown in multiple languages. The city department goes through an annual assessment process where compliance poster displays and locations are checked once a year and reported in the annual evaluation process.

Citywide language access survey is conducted biennially, with the most recent one launched in August 2024. Survey results will be collected, analyzed, and presented in the next report. The Citywide Language Access Survey is used for assessment. Demographic data is analyzed for language use and contact with the City’s program and activities. The survey gathers feedback and suggestions provided by LEP persons.

During Fiscal Year 2023-2024, the City received only one language access complaint. That complaint, received in February 2024, was regarding the General Plan Project. The complaint named two City departments: the City Clerk’s Office and the Planning and Building Department. The City followed the Title VI grievance procedure, gathered facts, and responded to the complainant with a Letter of Finding. Equal Access also issued an internal memo in which we outlined recommendations to the departments named in the complaint.

The Equal Access Office works with the Human Resources Recruitment Unit to ensure that prior to recruiting, departments determine whether any positions are PCPs and if there are sufficient number of bilingual employees. Staff reviews all recruitment requisitions and applies quantitative and qualitative analysis as specified in Administrative Instruction #145. In Fiscal Year 2023-2024, the Equal Access Office opened and reviewed 799 digital recruitment requisitions and 20 paper requisitions.

During Fiscal Year 2023-2024, the Equal Access Office administered 105 bilingual language fluency tests. We use a standardized Interactive Voice Response test for level one verbal bilingual test and a multiple choice and writing test for level two written bilingual test. Candidates who pass the test receive the City of Oakland’s bilingual certification. The City of Oakland continues to support bilingual employees by administering bilingual tests and verifying language skills. As of the pay period ending June 23, 2023, 595 City employees receive bilingual pay.

## **6. Conclusion**

The intent of the Equal Access Ordinance is to create a service environment where every customer has full and equal access to all City services, including many basic and potentially life-



saving City services, and where they are able to participate in City government, regardless of English language proficiency.

The City of Oakland recognizes its responsibility to ensure fairness, equal opportunity, and equity in all its programs, services, and activities. 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. Each City department reviews and confirms 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 (**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 2023-24. This report examines population data and issues the LEP language list as a guideline for the following fiscal year.

The Equal Access Office continues to recommend that City departments continue to include LEP Language Groups in their overall public engagement strategies, including (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:***

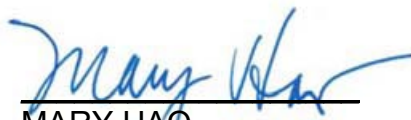
The Equal Access to Services Ordinance was enacted to provide equal access to City services to all Oakland residents, including those with limited proficiency in English. Language access policy requires City departments to provide equal access to services without regard to race, national origin or ethnic group. These services and the ordinance close disparities and advance equity related to language access to information, policies, and processes the community interacts within the City of Oakland

## **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 2023-24.

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

Respectfully submitted,



MARY HAO  
Director of Human Resources

Reviewed by:  
Andrea Mariano, Human Resources Manager

Prepared by:  
May Tam, Program Analyst III  
Equal Access Program of Human Resources

Attachments: (1)

(A) Comprehensive record for FY 2023-24