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CITY OF OAKLAND



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February 15, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Family Bridges et al., v. Dan Lindheim, and the City Of Oakland
Alameda County Superior Court Case No. **RG08409445**
Our File No. **X03237** (City Administrator)

Echo et al., v. City of Oakland, et al.
Alameda County Superior Court Case no. **RG08409443**
Our File No. **X03238** (City Administrator)

President Reid and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared a resolution and requests your approval of same, authorizing compromise and settlement of the above-entitled writ petitions by entering into a Settlement Agreement and paying petitioners' attorneys' fees in the amount of \$400,000, payable to petitioners' attorneys of record.

The writ petitions, filed by Asian and Latino community based organizations, both claim that the City has failed to comply with its Equal Access to City Services Ordinance, O.M.C. 2.30.100 et seq., which affords limited English speakers equal access to City services. Specifically, the writ petitions claim that the City has failed to collect required data, failed to file required compliance plans and failed to file additional compliance plans that meet Ordinance requirements. The petitioners claim attorneys' fees and costs under California Code of Civil Procedure Section 1021.5, which permits recovery of fees and costs by parties who serve as "private attorneys general," obtaining a change through litigation that confers a public benefit.

The proposed settlement agreement with petitioners, into which the City Council is requested to enter, represents a compromise on multiple issues, including substantive issues. The proposed settlement with petitioners' on attorneys' fees similarly represents a compromise.

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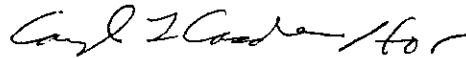
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Subject: Family Bridges et al., v. Dan Lindheim and the City of Oakland
Echo et al., v. City of Oakland, et al.

The settlement is recommended as a compromise of this entire matter. This matter was presented in Closed Session on December 7, 2010 and February 1, 2011.

Respectfully submitted,



JOHN A. RUSSO
City Attorney

Attorney Assigned:
Vicki Laden

744953

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Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE WRIT PETITIONS OF FAMILY BRIDGES ET AL. V. DAN LINDHEIM, AND THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08409445, OUR FILE NO. X03237 AND ECHO ET AL., V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08409443, OUR FILE NO. X03238 BY ENTERING INTO A SETTLEMENT AGREEMENT AND PAYING ATTORNEYS' FEES IN THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) (CITY ADMINISTRATOR)

RESOLVED, That the City Attorney is authorized and directed to compromise and settle the writ petitions of Family Bridges et al. v. Dan Lindheim, and the City of Oakland, Alameda County Superior court Case no. **RG08409445**, City Attorney's File No. **X03237** and Echo et al. v. City of Oakland, et al., Alameda County Superior Court Case no. **RG08409443**, City Attorney's File No. **X03238** by delegating to the City Administrator the authority to enter in an agreement substantially consistent with that attached, and by paying a sum not to exceed a total amount of Four Hundred Thousand Dollars and No Cents (\$400,000.00), payable to petitioners' attorneys of record.

FURTHER RESOLVED, That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect this settlement; and be it

FURTHER RESOLVED, That the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00) be paid to petitioners' attorneys of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE,
BROOKS, KAPLAN, AND PRESIDENT REID

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

744938

Settlement Agreement

This Settlement Agreement is entered into by the City of Oakland, Ron Dellums, in his capacity as Mayor; Dan Lindheim, in his capacity as City Administrator (collectively "the City") and Family Bridges, Inc., Organization of Chinese Americans—East Bay Chapter (OCA-EBC), and Spanish Speaking Unity Council, Educational Coalition for Hispanics in Oakland (ECHO), Asociación Comerciantes y Profesionales de Oakland (ACPO inc.), and Spanish Speaking Citizens' Foundation (SSCF) (collectively "Petitioners"). This Agreement is effective on the date of the last signature of the parties.

Recitals

A. Two lawsuits, *Family Bridges et al. v. Lindheim*, Case No. RG 08409445 and *Echo, et al v. City of Oakland, et al*, Case No. RG 08409443, were filed on September 15, 2008 in the Superior Court of California, County of Alameda. Both lawsuits challenge the City's compliance with requirements of Oakland Municipal Code Section 2.30, "Equal Access to Services." Petitioners, through their attorneys, have engaged in settlement negotiations with Respondents' attorneys since October 2008.

B. The City and Petitioners have agreed to resolve the two actions without admission of liability or fault.

C. This Agreement and its attachments, including the Administrative Instruction implementing O.M.C. Section 2.30, are intended to fully settle and resolve without further litigation all disputes set out in the allegations contained in the writs filed by Petitioners.

D. Nothing in this Agreement prohibits the Oakland City Council from repealing or amending the Equal Access to Services Ordinance (EAO), O.M.C. Section 2.30.

E. Nothing in this Agreement requires the City to add employees or to create positions.

Agreement

The City and Petitioners agree as follows:

I. Overview

The Equal Access to Services Ordinance (EAO), codified at O.M.C. Section 2.30, was enacted to ensure that Oakland residents, regardless of their English proficiency, have full and equal access to all City services, including many basic and potentially life-saving city services, and are able to participate in City government.

Responsibility for enforcement of the EAO is vested in the City Administrator. *See*

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§§ 2.30.100; 2.30.130; 2.30.150.¹ The EAO imposes a duty on the City Administrator to: (1) “submit to the City Council an Annual Compliance Plan” (CAACP) due “[b]y June 1st of each year” (§ 2.30.100 (A)), which includes specific data regarding the status of oral and written language services and assessment of EAO implementation by City agencies and Departments (*see* §§ 2.30.100 (B); 2.30.150); and (2) to be “responsible for monitoring and facilitating compliance with [the EAO]” (§ 2.30.130 (A)) and to “take steps to enforce the provisions of [the EAO] and assure compliance” (§ 2.30.150).

II. Definitions

The following terms shall be defined as follows, supplementing the definitions used in the EAO.

- A. “Agency” means any of the Oakland City agencies listed in § 2.30.020(a) or the successor of any such agency and any agency that assumes any or all of the responsibilities of any such agency.
- B. “City Administrator’s Annual Compliance Plan (CAACP)” means the Annual Compliance Plan described in § 2.30.100 (b) of the EAO and in Section IX of this Agreement, that the City Administrator is required to submit to the City Council by June 1st of each year.
- C. “Bilingual Public Contact Position (BPCP)” means a Public Contact Position determined to be a position that should be filled by a Bilingual Employee, defined in § 2.30.020(b), in order to achieve equal access to services.
- D. “City Administrator” means the City Administrator of the City of Oakland and his or her successors. As used in this Agreement, City Administrator means City Manager as that term is used in the EAO.
- E. “Agency Compliance Plan (ACP)” means the annual reporting documents prepared by each Department and Agency that are described in Section VII of this Agreement.
- F. “Departments” mean both Tier 1 and Tier 2 Departments that are defined and listed in §§ 2.30.02(k) and (l) and any City entity that succeeds to or assumes the responsibilities of any of these Departments. Exhibit 1, attached to this Agreement, lists the Departments with responsibilities subject to the EAO as of the effective date of this Agreement.
- G. “Equal Access Office” means the Equal Access Office that now reports directly to the City Administrator, and any Agencies or Departments that assume any of the duties pursuant to the EAO performed by the Equal Access Office as of the effective date of this Agreement.

¹ All citations to sections refer to the Equal Access to Services Ordinance unless otherwise specified.

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- H. "LES" means limited-English-speaking persons as defined in § 2.30.020(f).
- I. "Office of Personnel Resource and Management (OPRM)" means the Department currently called OPRM and any City entities that assume any of the duties performed by OPRM pursuant to the EAO as of the effective date of this Agreement.
- J. "Public Contact Position (PCP)" is defined by § 2.30.020(g) and by Section III.A-B of this Agreement. The EAO defines PCP as follows: "public contact position" (PCP) is 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." § 2.30.020.
- K. "Recorded Telephone Messages" means recorded telephone messages that contain the information specified in § 2.30.080 of the EAO and that are required to be maintained by Departments in threshold languages.
- L. "Selective Certification" is the process described in Section III.F of this Agreement to fill PCPs when a Department does not have sufficient BPCPs to serve the needs of LES persons.
- M. "Sufficient Bilingual Public Contact Positions" is defined in the EAO and further defined in Section III.C of this Agreement.
- N. "Super PCP Departments" are departments that have positions within them that the City Administrator has determined provide particularly crucial public services, mandating maintenance of at least minimum levels of bilingual staffing, as provided in III.D.3. of this Agreement.
- O. "Threshold Language" is defined by the EAO as follows: "at least ten thousand (10,000) limited-English-speaking City residents who speak a shared language other than English," as defined in § 2.30.020(d) and determined annually by the City. Spanish and Chinese have been determined to be threshold languages as of the effective date of this Agreement.
- P. "Vital Document" means written materials that provide vital information to the public about a Department's services or programs, as defined in § 2.30.050(b) of the EAO. Vital documents shall be translated into threshold languages.

Any term not defined in this Agreement shall be defined as it is used in the EAO.

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III. Identification of Need to Hire Bilingual PCPs in Order to Provide LES Persons with Equal Access to Services:

A. Overview

1. The EAO defines "public contact position" (PCP) 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." § 2.30.020. To comply with the EAO, Departments must "[u]tiliz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s)." § 2.30.030 (A).
2. The determination of how many bilingual PCPs (BPCPs) are needed in a Department (or if the Department has multiple locations, in a Department's location) is based on several factors. First, each Department, in conjunction with the Equal Access Office, will identify all Department positions as PCP or non-PCP as set out in Section III.B. Second, using the quantitative and qualitative assessments described in Section III.C, each Department, in conjunction with the Equal Access Office and OPRM, will determine if there are sufficient BPCPs in the Department or location to provide adequate services to LES persons. Finally, each Department, in conjunction with the Equal Access Office and OPRM, shall employ the process described in Section III.D to ensure that there are sufficient BPCPs to provide services to LES persons.

B. Determination of Whether a Position is a PCP.

1. Within sixty (60) days of the effective date of this Agreement, the Equal Access Office and each City Agency will review all positions and their geographic locations, to determine whether the positions are PCPs. This information will be provided to Petitioners' counsel and to OPRM.
2. By April 1st of each year, the Equal Access Office and each City Agency will review the prior year's list of PCPs, determine whether positions should be added or deleted from the list, and provide a revised list to OPRM.
3. Agencies and the Equal Access Office will determine if a position is a PCP by answering the three questions below. If the answer is "yes" to any of these three questions, then the position is a PCP.

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| Questions to Determine if Position is PCP | Yes | No | If yes, then PCP |
|---|-----|----|------------------|
| 1. Do the position's regular job duties involve contact with the public? | | | |
| 2. Do employees who hold this position have contact with the public on a recurring basis even though public contact is not included in the position's job duties? Such recurring contact should be more than only occasional or infrequent. | | | |
| 3. Should the position be designated a PCP because of other factors? In answering this question, consider the following: a PCP designation is appropriate for positions in a geographic location or Department with only a small number of employees, requiring all employees to have some public contact. | | | |

C. Analyzing Whether there are Sufficient Bilingual PCPs

1. **Overview:** The EAO defines "sufficient bilingual employees as "the number of employees required to provide the same level of services to limited-English-speaking persons as is available to English-speaking persons seeking any city services." § 2.30.020. To comply with the EAO, Departments must "[u]tiliz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s)." § 2.30.030 (A). All employees including but not limited to classified, exempt, exempt limited duration (ELDE's), temporary contract service employees (TCSE's), and paid interns are covered by the EAO and this Agreement.
2. To meet the sufficient bilingual staffing requirement, each Agency, in conjunction with the Equal Access Office, shall assess by Department whether there are sufficient BPCPs, using the process set out below. Each Agency shall also ensure that the service provided to LES persons by Department is the same quality of service as that provided to English speakers. For example, wait times, service levels and opportunities for communication should be the same. Each Agency shall utilize selective certification if there are insufficient numbers of BPCPs in Departments within its jurisdiction.
3. Exhibit 1 attached to this Agreement, lists the Departments with responsibilities subject to the EAO as of the effective date of this Agreement (See Section III.F and VII). The assessment of whether a Department has a sufficient number of BPCPs to provide equal access to services must be specific to the location where the service is provided.

4. Quantitative Assessment.

Using the methodology below, each Department shall make a quantitative assessment of the sufficiency of BPCPs.

(a) City Wide

Departments that provide City services at a central location, for example, at Frank Ogawa Plaza, shall be deemed to provide city wide services. For these centralized locations the assessment of "sufficient bilingual staffing" shall be performed in the manner set out below and documented in the Agency Compliance Plan, prepared in conjunction with the Equal Access Office:

- (i) Determine the current number of PCPs and the current number of bilingual PCPs (threshold languages separately²) employed by the Department at that location.
- (ii) Multiply the number of current PCPs by the % of the Spanish or Chinese LES population in the City. The City Administrator determines the LES population based on current census or other reliable survey data. The number of bilingual PCPs as calculated above shall be compared with the number of current bilingual PCPs determined in (i) above.
- (iii) After completion of the quantitative assessment, continue to the qualitative assessment, described below.

(b) Community Based Services

The Equal Access Office and Agencies will identify the Departments that provide services at geographically based locations.

For those services provided at geographically dispersed locations, the quantitative assessment of the sufficiency of BPCPs will be made at each location—i.e., by community center, library, etc. The Equal Access Office will provide data on the percentage of LES persons in the geographic area served at that location. The same process described (in (i) and (ii) above) to determine the quantitative assessment for the "city wide" services will be used for the "community based" services, except that the data on LES persons will be based on the specific geographic location rather than "city wide" data.

² For FY 2009-2010, Spanish and Chinese are the languages which meet the EAO threshold. The determination of which languages meet the EAO threshold shall be reviewed and determined on an annual basis.

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5. Qualitative Assessment

In addition to the quantitative assessment, each Department must perform a qualitative assessment at least biennially, to determine whether it is providing the same quality of service to LES persons as it provides to English speakers. If the qualitative assessment indicates that LES persons are not receiving or are not likely to receive the same services using the number of bilingual PCPs determined by the quantitative assessment, additional BPCPs must be hired to ensure equal access to the Department's services, but only if vacancies exist that will be filled. The qualitative assessment may be used to demonstrate that fewer bilingual PCPs are needed than determined by the quantitative assessment only if the Department has documented through the Department survey described below that (1) LES persons use services at a rate significantly lower than the quantitative assessment indicates and (2) that LES persons have not been deterred from using the services because of insufficient bilingual PCPs on staff. The Equal Access Office must certify and approve the assessment. The qualitative assessment shall be included in the City Administrator's Annual Compliance Plan and reviewed by the City Administrator. The City Administrator will determine annually whether it is feasible, given City staffing, to conduct a qualitative assessment survey annually or only biennially. That determination and the reasoning in support thereof shall be documented in the annual CAACP.

6. Survey

As part of the City Administrator's Annual Compliance Plan, each Department shall audit and report whether it is providing the same services to LES persons by conducting a survey for the purpose of determining whether additional bilingual staff should be added in order to provide LES persons with the same level of service as English speakers. Each Department shall develop an adequate survey tool, appropriate to the services it provides, receive approval from the Equal Access Office, and submit a copy of the survey instrument and summary of the results and analysis of the survey in the CAACP. The survey results shall be based on documented facts and the survey shall be conducted in a manner sufficient to provide reasonable assurance of the survey's reliability. Questions such as those listed in the Administrative Instruction (Exhibit 5) may be useful as indices of service.

D. Additional Requirements for Evaluating the Sufficiency of Bilingual PCPs.

1. "Rounding up threshold." If the quantitative assessment for BPCP need results in 0.5 or higher FTE BPCP, then the City Administrator must round up to the next whole number of FTE BPCPs. (For example, 2.5 must be rounded up to 3). The CAACP shall report on and reflect the "rounding up threshold" for Departments.

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2. Each Department shall rely on the quantitative numerical threshold to determine whether it has sufficient BPCPs, until it completes a qualitative assessment to augment its analysis.
3. **Departments and/or Positions Designated as "Super PCP."** In order to ensure that limited English speaking persons have sufficient access to certain crucial public services, the City has designated certain Departments, identified in Exhibit 2 to this Agreement, as "Super PCP Departments." Selective Certification shall be used to ensure that Departments providing certain crucial public services have at least the minimum bilingual staffing set forth in Exhibit 2.

The "Super PCP" designation shall not result in displacement of any existing employees, nor will it trump the Civil Service rules or any Memoranda of Understanding. Furthermore, it imposes no requirement to hire additional employees. Should the next census or other data reveal an increase in the number of limited English speakers of a language other than Spanish or Chinese sufficient to qualify as a threshold language, then the City Administrator may designate additional Departments or positions as "Super PCP." Should the next census or other data reveal a decrease in the number of limited English speakers of a language such that it no longer meets the threshold, then the City Administrator may reallocate "Super PCP" positions or Departments from that language.

E. **Oaldand Police Department (OPD) and Oakland Fire Department (OFD).**

1. **Overview.** OPD and OFD provide crucial public safety services. OPD and OFD are subject to all of the EAO's provisions and further, the EAO requires that police beats and firehouses in neighborhoods with a significant concentration of LES "Persons Groups" be staffed by a sufficient number of bilingual officers and firefighters. (See § 2.30.040(b))
2. The City represents that existing MOUs control police officer assignments to patrol beats and firefighter assignments to firehouses. For that reason, Petitioners have agreed to the following interim provisions regarding those police officers and firefighters subject to the MOUs. However, the City recognizes the crucial nature of OPD and OFD services and shall explore every means available to ensure all residents, including LES persons, have full and equal access to these services.
3. **Quantitative and Qualitative Assessment.** OPD and OFD will make a quantitative assessment of the sufficiency of BPCPs for each division (defined as a "Department" in Exhibit 1 for reporting purposes) within OPD and OFD having public contact, using the "city wide" methodology described in Section III.C.4.a. In addition to the quantitative assessment, OPD and OFD must perform a qualitative assessment annually to

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determine whether they are providing the same quality of service to LES persons as they provide to English speakers as described in Section III.C.5.

4. Police Beats and Firehouses. OPD and OFD will make best efforts to ensure that police beats and firehouses located in areas of high LES concentration have bilingual officers and firefighters serving the LES population. If OPD or OFD are unable to do so, OPD and/or OFD in conjunction with the Equal Access Office, will suggest changes that would increase service to the LES population.
5. Special Reporting Requirements. OPD's and OFD's determination of the sufficiency of BPCPs will be based on the "city wide" methodology. However, OPD and OFD will include in the Agency Compliance Plans an analysis of the sufficiency of BPCPs based on the location of police beats and firehouses using the "community based" methodology described in Section III.C.4.b.
6. OPD shall adopt a Language Access Policy that is issued as a Training Bulletin. OPD will provide training regarding the language access policy for new recruits and periodically for OPD members, alone or in conjunction with other training it conducts. Initial training shall be conducted within 180 days of the adoption of the language access policy.
7. Outreach. The Citizens Police Review Board ("CPRB"), in conjunction with the Equal Access Office and OPD, shall develop an outreach program to LES communities in Oakland in the EAO threshold languages regarding the language access policy and the EAO within 180 days of the effective date of this agreement.
8. Complaints. Internal Affairs and the CPRB shall develop with the Equal Access Office a method to train its staff to identify and analyze complaints that involve language access, which shall include coordination with and review by the Equal Access Office.

F. Selective Certification.

1. Any Department that does not have sufficient bilingual employees in Public Contact Positions (BPCPs) as determined by this Agreement must utilize selective certification to ensure there are sufficient BPCPs to provide equal service to LES persons. The City Administrator, EAO and OPRM will ensure that selective certification is used when needed. The selective certification process requires that the ability to speak a language covered by the EAO is an essential job requirement for the PCP and only those individuals who speak the language are eligible for hire. Only after making and documenting that best efforts have been made to fill a PCP

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through the selective certification process and no qualified individuals able to perform all aspects of the job can be hired, may the City Administrator authorize the hiring of an individual who has not been selectively certified. Departments are not required to hire additional employees in order to comply with the requirements of this provision.

2. The City Administrator may bypass the selective certification process only in the event of a health or safety emergency or a threatened loss of funding that pertains to the position at issue or to hire a TCSE or ELDE while recruitment using selective certification is ongoing. In these limited circumstances, efforts to identify and hire BPCPs shall nonetheless be made. If the City Administrator determines that bypassing the selective certification process is necessary and applies to a large number of PCPs, the City Administrator shall report the rationale for the determination to the Finance and Management Committee at its next meeting. Other deviations from the selective certification process shall be reported to the Finance and Management Committee on a quarterly basis and included in the City Administrator's Annual Compliance Plan.

IV. Interim Measures to Address Insufficient Bilingual PCPs

- A. Whenever there are insufficient bilingual PCPs in a Department but no vacancies exist or whenever necessary to provide equal access to City services, the following should be implemented:
 1. Agencies must maintain a list of employees who speak the threshold languages. At least one employee who can provide service to LES persons shall be available during business hours. Employees shall have access to telephone language interpretation at all times, and should choose a method for communicating best suited to providing service to LES persons.
- B. All Agencies and Departments must demonstrate that they have adequate means to make all services available to LES persons.
- C. All Agencies will designate an existing employee as a Language Access Coordinator.
- D. All Agencies will adopt and implement Language Access Policies approved by the City Administrator and the Finance and Management Committee.
- E. Each PCP shall be trained in the use of interim measures to assist LES persons.

V. Translations of Vital Documents

- A. All vital documents provided to or made available to the public shall be translated into threshold languages.
- B. Within 180 days of the effective date of this Agreement, the Equal Access Office and Agencies shall ensure that all vital documents are translated.
- C. The Equal Access Office and Departments must determine whether any publicly available document created by the Department after the effective date of this Agreement is a vital document. Vital documents are "written materials that provide vital information to the public about the [D]epartment's services or programs." § 2.30.050 (B). If the document is vital, the document shall be translated into threshold languages no later than thirty (30) days from the date that the document is made publicly available in English. A list of all vital documents and a list identifying newly created documents and specifying dates of translations of the vital documents shall be included in each Agency Compliance Plan.

VI. Recorded Telephonic Messages In Threshold Languages

- A. The Equal Access Office shall ensure that all Departments "maintain recorded telephonic messages in [threshold languages]." The message is required to contain the following: "basic information about the [D]epartment's operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance." § 2.30.080
- B. Within ninety (90) days of the effective date of this Agreement, Agencies shall identify all recorded telephonic messages that are not available to the public in threshold languages and/or identify whether the Department provides the information listed above. A list of such non-complying recorded telephonic messages shall be included in the Agency Compliance Plan, described in Section VII.
- C. Within one hundred twenty (120) days of the effective date of this Agreement, the Equal Access Office in conjunction with the Agency shall ensure that all recorded telephonic messages are maintained in threshold languages.

VII. Agency Compliance Plans (ACPs)

- A. Overview. Section 2.30.100 requires that the Annual Compliance Plan prepared by the City Administrator (CAACP), described in Section IX, must provide information at the Department level for all the Departments listed in Exhibit 1. Each Agency, in conjunction with the Equal Access Office, shall prepare an Agency Compliance Plan that shall include all Departments in the Agency. The

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Agency Compliance Plan shall be submitted to the City Administrator and shall be incorporated into the CAACP. Although the Agency may aggregate the information of all Departments within the Agency's jurisdiction in a single Agency Compliance Plan, individual departmental information shall be included.

1. The Agency Compliance Plan shall contain all information required by this Agreement; an approved example of the ACP form is attached as Exhibit 3. It shall include, but not be limited to, the information required by § 2.30.100 (B)(1)-(16) of the EAO, and shall provide information required to assess and monitor compliance with the EAO, including for example, the provisions requiring access by LES persons to public telephonic messages and vital documents.
 2. It must also provide a narrative assessment and analysis of the Department's compliance with the EAO, deficiencies in compliance and measures or changes necessary to achieve full compliance.
- B.** Each Agency Compliance Plan shall be provided to the City Council as part of the City Administrator's Annual Compliance Plan and shall be available in the City Administrator's Office.

VIII. Administrative Instruction

The City Administrator shall distribute the attached Administrative Instruction (Exhibit 5) to all Agencies and Departments. The Departments are identified in Exhibit 1. The Administrative Instruction includes an Agency Compliance Plan template and City Administrator Annual Compliance Plan template. The Administrative Instruction shall not be modified in a manner that would be inconsistent with the Equal Access Ordinance and this Settlement Agreement.

IX. City Administrator Annual Compliance Plan (CAACP)

- A.** Overview: Section 2.30.100 of the EAO sets forth specific requirements for the City Administrator's Annual Compliance Plan (CAACP) that shall be submitted to City Council by June 1 of each year. The CAACP that would be due on June 1, 2010, shall be delayed until October 1, 2010, and all deadlines related to the June 1, 2010 report adjusted to correspond with this due date. The City Administrator shall sign the CAACP certifying that the CAACP complies with the EAO.
- B.** The CAACP shall contain all information required by this Agreement; an approved example of the CAACP form is attached as Exhibit 4. It shall include, but not be limited to, the following:
1. All information required by § 2.30.100 (B)(1)-(16) of the EAO, and additional information required to assess and monitor the Departments' compliance with all provisions of the EAO.

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2. A list of all Departments.
 3. A narrative assessment and analysis of departmental compliance with the EAO, deficiencies in compliance, and measures or changes necessary to achieve full compliance.
 4. A description of any measures the City Administrator has used or proposed to achieve full compliance.
 5. A report identifying all complaints alleging a violation of the EAO, including the number, nature, and status of the complaints and a narrative description of the resolution or proposed resolution of each such complaint.
- C. CAACPs shall be available on the City website and made available upon request in the City Administrator's Office. Summaries of the CAACP shall be available in threshold languages. Notice that the CAACP is available and information stating how to access it shall be posted prominently at each Agency location and on the City's website.
- D. Other than in 2010, when it shall be submitted by October 1st, the CAACP shall be submitted to City Council by June 1st each year.

X. Compliance

- A. Respondents' counsel shall circulate the reports and documents listed below to Petitioners (as provided in the attached contact list, Exhibit 6) for their review and comment.
1. List of Departments, within thirty (30) days of the effective date of this Agreement as set forth in Section II.F;
 2. Template of Agency Compliance Plan, within thirty (30) days of the effective date of this Agreement as set forth in Section VII;
 3. Template of City Administrator's Annual Compliance Plan, within thirty (30) days of the effective date of this Agreement as set forth in Section IX;
 4. -Modified Agency Compliance Plans for fiscal year 20-2010-11 that comply with the above Agency Compliance Plan template within ninety (90) days of the effective date of this Agreement;
 5. City Administrator's Annual Compliance Plan for fiscal year 2010-2011 that complies with the above City Administrator Annual Compliance plan template within 120 (120) days of the effective date of this Agreement;
and

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6. OPD Training Bulletin on language access, within thirty (30) days of the effective date of this Agreement.
- B. Petitioners' counsel may provide comments and objections regarding whether the reports and documents provided in Section X.A substantially comply with this Agreement and with the EAO. Should Petitioners' counsel contend that a report or document is non-compliant the parties will meet and attempt to resolve differences.
 - C. Petitioners must be notified of any proposed changes to the Administrative Instruction detailed in Section VIII thirty (30) days prior to the proposed implementation of any proposed change.
 - D. Petitioners are entitled to attorneys' fees, as agreed between the parties, in the amount of \$_____.
 - E. Following full execution of this Agreement, petitioners agree to dismiss both the instant actions regarding the City's Equal Access Ordinance within thirty days.

XI. Miscellaneous

- A. **Entire Agreement.** This writing and its attachments constitute the entire agreement among the parties, and no modification of this Agreement shall be valid unless executed in writing by the parties to the Agreement.
- B. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.
- C. **Severability.** If any terms or provisions of this Agreement or the application of any term(s) or provision(s) of this Agreement to (a) particular situation(s) is (are) held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement or the application of this Agreement to other situations, shall remain in full force and effect unless amended or modified by mutual consent of the parties; provided that if the invalidation, voiding or unenforceability would deprive any party of material benefits derived from this Agreement, or make performance under this Agreement unreasonably difficult, then the Parties shall meet and confer and shall make good faith efforts to amend or modify this Agreement in a manner that is mutually acceptable to the parties. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, the party materially disadvantaged by the invalidation or voiding of this Agreement may terminate this Agreement by providing written notice of such termination to the other parties.
- D. Nothing in this Agreement shall be construed to abrogate the City Administrator's obligation under § 2.30.100 (B)(16) of the EAO to provide "[a]ny other

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- E. information requested by the City Council necessary for the implementation of this Article," or any other provisions of the EAO not specifically addressed in this Agreement.

LIST OF EXHIBITS

All Departments with responsibilities subject to the EAO Exhibit 1
Departments with "Super PCPs" Exhibit 2
Agency Compliance Plan (ACP)..... Exhibit 3
City Administrator Annual Compliance Plan (CAACP)..... Exhibit 4
Administrative Instruction..... Exhibit 5
Petitioners' Contact List..... Exhibit 6

| | | |
|---|---|---|
| 1 | EXHIBIT 1: CITY OF OAKLAND DEPARTMENTS SUBJECT TO EAO | |
| 2 | | |
| 3 | UNIT | DEPARTMENT DESIGNATION * DENOTES "SUPER PCP DEPARTMENTS." |

| | | |
|----|--|------------------|
| 4 | AGENCY: City Administrator's Office | |
| 5 | | |
| 6 | Unit | FOUR DEPARTMENTS |
| 7 | Administration | |
| 8 | ADA Programs | |
| 9 | Budget Office | |
| 10 | Equal Opportunity Programs | |
| 11 | Ethics Unit | |
| 12 | KTOP Operations | |
| 13 | Administration & Divisions (Tier 2) | DEPARTMENT |
| 14 | Citizens Police Review Board | |
| 15 | CAO - CPRB (Non Tier 1 or 2) | DEPARTMENT |
| 16 | Equal Access Unit | |
| 17 | CAO - Equal Access (Non Tier 1 or 2) | DEPARTMENT |
| 18 | Oaklanders Assistance Center | |
| 19 | Oaklanders Assistance Center (Tier 1) | DEPARTMENT |
| 20 | City Administrator's Office (Tier 1 & 2) | |

| | | |
|----|-------------------------------------|----------------|
| 22 | AGENCY: City Attorney's Office | |
| 23 | Unit | ONE DEPARTMENT |
| 24 | Administration Excluded Claims | |
| 25 | Claims | |
| 26 | Litigation | |
| 27 | Advisory | |
| 28 | City Attorney's Office (Tier 1 & 2) | DEPARTMENT |
| 29 | City Attorney's Office (Tier 1 & 2) | |

| | | |
|----|---|----------------|
| 31 | AGENCY: City Auditor's Office | |
| 32 | Unit | ONE DEPARTMENT |
| 33 | City Auditor Unit | |
| 34 | City Auditor (Non Tier 1 or 2) | DEPARTMENT |
| 35 | City Auditor's Office (Non Tier 1 or 2) | |

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| | | |
|----|-------------------------------------|-------------------|
| 37 | AGENCY: City Clerk's Office | |
| 38 | Unit | DEPARTMENT |
| 39 | City Clerk (1 st Floor) | |
| 40 | City Clerk (2 nd Floor) | |
| 41 | City Clerk (Tier 1) | DEPARTMENT |
| 42 | City Clerk's Office (Tier 1) | |

| | | |
|----|--|-----------------------|
| 44 | AGENCY: City Council's Office | |
| 46 | Unit | ONE DEPARTMENT |
| 46 | Council Administration – Reception Desk | |
| 47 | Council Administration Excluded Reception Desk | |
| 48 | District One | |
| 49 | District Two | |
| 50 | District Three | |
| 51 | District Four | |
| 52 | District Five | |
| 53 | District Six | |
| 54 | District Seven | |
| 55 | Council At Large | |
| 56 | City Council's Office (Tier 1 & 2) | DEPARTMENT |
| 57 | City Council's Office (Tier 1 & 2) | |

| | | |
|----|--|------------------------|
| 59 | AGENCY: Community and Economic Development Agency | |
| 60 | Unit | TEN DEPARTMENTS |
| 61 | Agency Operations – Other | |
| 62 | GEDA Administration | DEPARTMENT |
| 63 | Major Projects | |
| 64 | Zoning | |
| 65 | City Planning – Other | |
| 66 | Planning & Zoning | DEPARTMENT |
| 67 | Engineering & Construction – Administration | |
| 68 | Project Delivery – Administration | |
| 69 | Construction Management & Material Testing | |
| 70 | Project Management | |
| 71 | Facilities Planning & Development | |
| 72 | Surveying | |
| 73 | Engineering Design & ROW – Administration | |
| 74 | Streets & Structures | |
| 75 | Right of Way Management | |
| 76 | Sanitary Sewer Design | |

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 R.M. [unclear]

| | | |
|-----|---|------------|
| 77 | Watershed & Stormwater Program | |
| 78 | Pavement Management | |
| 79 | Transportation Services – Administration | |
| 80 | Transportation Planning | |
| 81 | Traffic Capital Projects | |
| 82 | Traffic Safety Program | |
| 83 | Engineering & Design | DEPARTMENT |
| 84 | Inspection Services Admin – Other | |
| 85 | Inspection Services – Other | |
| 86 | Building Inspection – Residential – Other | |
| 87 | Engineering Services | |
| 88 | Building Inspection – Commercial – Other | |
| 89 | District 2 | |
| 90 | District 3 | |
| 91 | District 4 | |
| 92 | Building Codes – Residential – Other | |
| 93 | Building Services – Other | |
| 94 | Inspection Support | |
| 95 | Building Services | DEPARTMENT |
| 96 | Economic Development Director | |
| 97 | Workforce Development | |
| 98 | Business Development | |
| 99 | One-Stop Small Business Center | |
| 100 | Economic Development | DEPARTMENT |
| 101 | Redevelopment Center | |
| 102 | Real Estate | |
| 103 | Coliseum Redevelopment | |
| 104 | Redevelopment Projects | |
| 105 | West Oakland Base Reuse | |
| 106 | Downtown Development | |
| 107 | Central City East Redevelopment | |
| 108 | Redevelopment | DEPARTMENT |
| 109 | HOC Support Staff | |
| 110 | Housing Development | |
| 111 | CDBG Coordination | |
| 112 | Home Ownership Programs | |
| 113 | Housing | DEPARTMENT |
| 114 | Municipal Lending | |
| 115 | CEDA – Municipal Lending | DEPARTMENT |
| 116 | Residential Rent Arbitration | |
| 117 | CEDA – Residential Rent Arbitration | DEPARTMENT |

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| | | |
|-----|---|-------------------|
| 118 | Public Art | |
| 119 | Cultural Funding | |
| 120 | Marketing | |
| 121 | Oakland Film Office | |
| 122 | Marketing & Public Arts (Tier 2) | DEPARTMENT |
| 123 | CEDA (Tier 1 & 2) | |
| 124 | | |
| 125 | AGENCY: Department of Contracting & Purchasing | |
| 126 | Unit | ONE DEPARTMENT |
| 127 | Administration | |
| 128 | Contract Compliance & Employment Services | |
| 129 | Purchasing | |
| 130 | Contract Administration | |
| 131 | Contracting and Purchasing (Tier 2) | DEPARTMENT |
| 132 | Contracting and Purchasing (Tier 2) | |
| 133 | | |
| 134 | AGENCY: Finance & Management Agency | |
| 135 | Unit | SEVEN DEPARTMENTS |
| 135 | Parking Administration | |
| 137 | Meter Operations | |
| 138 | Parking Enforcement | |
| 139 | FMA Parking Citation (Tier 1) | DEPARTMENT |
| 140 | Litter Fee Ordinance Admin | |
| 141 | Rent Adjustment | |
| 142 | FMA Business License Tax (Tier 1) | DEPARTMENT |
| 143 | Budget & Finance Admin | |
| 144 | Accounting Administration | |
| 145 | General Ledger | |
| 146 | Payables | |
| 147 | Stores Operations | |
| 148 | Revenue Administration | |
| 149 | Revenue Audit | |
| 150 | Risk Management | |
| 151 | Treasury Administration | |
| 152 | Treasury Operations | |
| 153 | Treasury Cashiering | |
| 154 | Treasury Payroll | |
| 155 | FMA Treasury (Tier 2) | DEPARTMENT |
| 156 | Parking Citation Assistance Center | |
| 157 | FMA Parking Citation Assistance Center (Tier 1) | DEPARTMENT |
| 158 | Business License Tax | |

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| | | |
|-----|--|--|
| 159 | FMA - Business License Tax (Tier 1) | DEPARTMENT |
| 160 | Revenue Collections | |
| 161 | FMA - Revenue Collections | DEPARTMENT |
| 162 | Citywide Liens | |
| 153 | FMA - Citywide Liens | DEPARTMENT |
| 164 | Finance and Management Agency (Tier 1 & 2) | |
| 165 | | |
| 166 | AGENCY: Fire Department | |
| 167 | Unit | SIX DEPARTMENTS (For analysis only. One Department for financing obligations.) |
| 168 | Inspectional Services | |
| 169 | Project Planning & Coordination | DEPARTMENT |
| 170 | Fire Communications | |
| 171 | Communications Emergency Dispatch | |
| 172 | OFD 911 Dispatch (Tier 1) | DEPARTMENT |
| 173 | Emergency Service/Suppression | |
| 174 | Airport | |
| 175 | OFD Records Division (Tier 1) | DEPARTMENT |
| 176 | Fire Chief | |
| 177 | Fire Marshals Office | |
| 178 | Certified Unified Program Agency (CUPA) | |
| 179 | Arson Investigation | |
| 180 | Engineering | |
| 181 | Vegetation Management | |
| 182 | Budget and Planning Admin | |
| 183 | Education and Training Admin | |
| 184 | Fire Support & Services | |
| 185 | Measure N - Paramedic | |
| 186 | OFD Divisions (Tier 2) | DEPARTMENT |
| 187 | Emergency Services Program | |
| 188 | OFD Emergency Services Program (Tier 2) | DEPARTMENT |
| 189 | Budget | |
| 190 | Accounts Payable | |
| 191 | Payroll | |
| 192 | Time and Attendance | |
| 193 | In-Service Training | |
| 194 | Human Resources | |
| 195 | Fire Boat | |
| 196 | Urban Search-And-Rescue (U.S.A.R.) | |
| 197 | EMS Training | |
| 198 | OFD Divisions (Not Tier 1 or 2) | DEPARTMENT |

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| | | |
|-----|--|------------------------|
| 199 | Fire Department (Tier 1 & 2) | |
| 200 | | |
| 201 | AGENCY: Department of Human Resources Management | |
| 202 | Unit | ONE DEPARTMENT |
| 203 | Personnel Admin/Human Resource Info Services | |
| 204 | Employment and Classification | |
| 205 | Employee Relations | |
| 206 | Human Resource Development | |
| 207 | Employee Benefits Services | |
| 208 | Retirement Administration | |
| 209 | Department of Human Resources Management (Tier 2) | |
| 210 | Department of Human Resources Management (Tier 2) | |
| 211 | | |
| 212 | AGENCY: Department of Human Services | |
| 213 | Unit | SIX DEPARTMENTS |
| 214 | Administration | |
| 215 | DHS Administration (Tier 1) | |
| 216 | Senior Center (Citywide) | |
| 217 | West Oakland Senior Center | |
| 218 | North Oakland Senior Center | |
| 219 | Downtown Oakland Senior Center | |
| 220 | East Oakland Senior Center | |
| 221 | DHS Senior Centers (Tier 1) | |
| 222 | Head Start Citywide | |
| 223 | Frank G. Mar Head Start | |
| 224 | Fannie Wall Head Start | |
| 225 | Tassafaronga Head Start | |
| 226 | Franklin Head Start | |
| 227 | City Towers Head Start | |
| 228 | West Grand Head Start | |
| 229 | (1266 26 th Ave) Head Start | |
| 230 | San Antonio Park Head Start | |
| 231 | San Antonio CDC Head Start | |
| 232 | Sungate Head Start | |
| 233 | Manzanita Head Start | |
| 234 | Virginia Head Start | |
| 235 | Seminary Head Start | |
| 235 | (6818 Lion Way) Head Start | |
| 237 | Eastmont Mall Head Start | |
| 238 | Arroyo Viejo Head Start | |
| 239 | 85 th Avenue Head Start | |

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City of San Francisco, California
 Department of Information Technology

| | | |
|------|--|------------|
| 240. | 92 nd Avenue Head Start | |
| 241. | Brogkfield Head Start | |
| 242. | Early Childhood & Family Services - Head Start (Tier 1) | DEPARTMENT |
| 243. | Linkages Program | |
| 244. | Senior Companion Program | |
| 245. | Outreach Program | |
| 246. | Oakland Paratransit for the Elderly and Disabled | |
| 247. | Senior Aide Program | |
| 248. | Aging & Adult Services (Tier 2) | DEPARTMENT |
| 249. | Youth Services Administration | |
| 250. | Year Round Lunch Program | |
| 251. | Youth Services | |
| 252. | Children's Youth Services and Policy & Planning (Tier 2) | DEPARTMENT |
| 253. | Multipurpose Senior Service Program | |
| 254. | DHS - Multipurpose Senior Service Program | DEPARTMENT |
| 255. | Department of Human Services (Tier 1 & 2) | |

| | | |
|------|--|-----------------------|
| 256. | AGENCY: Department of Information Technology | |
| 257. | | |
| 258. | Unit | ONE DEPARTMENT |
| 259. | Administrative Services | |
| 260. | Reprographic Services | |
| 261. | Customer Support | |
| 262. | Planning & Coordination | |
| 263. | Technology Installation Services | |
| 264. | Network Engineering & Maintenance | |
| 265. | Desktop Support | |
| 266. | Server maintenance & Support | |
| 267. | Project Planning & Coordination | |
| 268. | Systems & Database Admin | |
| 269. | Systems Operations | |
| 270. | Application Development | |
| 271. | Geographical information Systems | |
| 272. | Department of Information Technology (Non Tier 1 or 2) | DEPARTMENT |
| 273. | DIT (Non Tier 1 or 2) | |

| | | |
|------|-----------------------------|------------------------|
| 274. | AGENCY: Library | |
| 275. | | |
| 276. | Unit | SIX DEPARTMENTS |
| 277. | Main Library Administration | |
| 278. | Art/History/Literature | |
| 279. | Magazines and Newspapers | |

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| | | |
|-----|--|-----------------------|
| 280 | Science Business and Sociology | |
| 281 | Childrens Room | |
| 282 | Circulation/Automation | |
| 283 | Main Library/Local Services | DEPARTMENT |
| 284 | Branch Administration | |
| 285 | Brookfield Village Branch | |
| 286 | Dimond Branch | |
| 287 | Eastmont Branch | |
| 288 | Elmhurst Branch | |
| 289 | MLK Jr Branch | |
| 290 | Montclair Branch | |
| 291 | Rockridge Branch | |
| 292 | Temescal Branch | |
| 293 | Bookmobile | |
| 294 | Golden Gate Branch | |
| 295 | Lakeview Branch | |
| 296 | Melrose Branch | |
| 297 | Piedmont Branch | |
| 298 | West Oakland Branch | |
| 299 | African-American Museum & Library | |
| 300 | Branch Library/Local Services | DEPARTMENT |
| 301 | Director Unit | |
| 302 | Financial & Administrative Services Office | |
| 303 | Computer Services | |
| 304 | Cataloging/Processing | |
| 305 | Community Relations | |
| 306 | Acquisitions | |
| 307 | On-Call Public Services | |
| 308 | Literacy | |
| 309 | Childrens Services | |
| 310 | Teen Services | |
| 311 | OPL Systemwide Services | DEPARTMENT |
| 312 | Administrative Unit | |
| 313 | OPL Administrative Unit | DEPARTMENT |
| 314 | Asian Branch | |
| 315 | OPL Asian Branch | DEPARTMENT |
| 315 | Latin American Branch | |
| 317 | OPL Latin American Branch | DEPARTMENT |
| 318 | Department of Public Library (Tier 1) | DEPARTMENT |

319

320 **AGENCY: Mayor's Office**

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| | | |
|-----|---|------------------|
| 321 | | ONE DEPARTMENT |
| 322 | Administration Excluded Reception Desk & OAC | |
| 323 | Administration Reception Desk | |
| 324 | Mayor Administration (Tier 1 & 2) | DEPARTMENT |
| 325 | Office of the Mayor (Tier 1 & 2) | |
| 326 | | |
| 327 | AGENCY: Museum | |
| 328 | Unit | ONE DEPARTMENT |
| 329 | Administration Unit | |
| 330 | Museum Services Security & Operation Unit | |
| 331 | Museum Security Services | |
| 332 | Museum Custodial Services | |
| 333 | Museum Landscape Services | |
| 334 | Curatorial Services Unit | |
| 335 | Education Unit | |
| 336 | Museum Service (Non Tier 1 for 2) | DEPARTMENT |
| 337 | Oakland Museum (Non Tier 1 for 2) | |
| 338 | | |
| 339 | AGENCY: Office of Parks & Recreation | |
| 340 | Unit | NINE DEPARTMENTS |
| 341 | Directors Unit | |
| 342 | Administrative Services | |
| 343 | Budget and Fiscal | |
| 344 | Accounting Unit | |
| 345 | Personnel Unit | |
| 346 | Area 1 Rec. Center Supervision | |
| 347 | Aquatics Supervision | |
| 348 | Area 3 Administration | |
| 349 | OPR Administration (Tier 2) | DEPARTMENT |
| 350 | Bushrod Recreation Center | |
| 351 | Defremery Recreation Center | |
| 352 | Golden Gate Recreation Center | |
| 353 | Montclair Recreation Center | |
| 354 | Mosswood Recreation Center | |
| 355 | Poplar Recreation Center | |
| 356 | Allendale Recreation Center | |
| 357 | Dimond Recreation Center | |
| 358 | Franklin Recreation Center | |
| 359 | Redwood Heights Recreation Center | |
| 360 | Arroyo Recreation Center | |
| 361 | Brookdale Recreation Center | |

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| | | |
|-----|--|-----------------------|
| 362 | Ira Jinkins Recreation Center | |
| 363 | Rainbow Recreation Center | |
| 364 | Tassafaranga Recreation Center | |
| 366 | Sheffield Village Recreation Center | |
| 366 | Recreation Centers (Tier 1) | DEPARTMENT |
| 367 | Live Oak Aquatics | |
| 368 | Dimond Aquatics (Lions Pool) | |
| 369 | Defremery Aquatics | |
| 370 | Temescal Aquatics | |
| 371 | Fremont Aquatics | |
| 372 | Castlemont Pool (CLOSED) | |
| 373 | McClymonds Pool (CLOSED) | |
| 374 | Aquatics Unit (Tier 2) | DEPARTMENT |
| 375 | Central Reservations | |
| 376 | Special Programs | |
| 377 | Zoo | |
| 378 | Rotary Nature Center | |
| 379 | Boating | |
| 380 | Tennis | |
| 381 | City-Wide Sports | |
| 382 | Girls Sports | |
| 383 | Youth & Adult Sports | |
| 384 | Area One Special Sports Programs | |
| 385 | Community Gardens | |
| 386 | Feather River Camp | |
| 387 | Maionga Casquelourd Center | |
| 388 | Studio One | |
| 389 | City-Wide Programs Unit | |
| 390 | Radical Roving Recreation | |
| 391 | Discovery Center | |
| 392 | Ball Fields Maintenance | |
| 393 | At-Risk Youth | |
| 394 | City-Wide Programs (Tier 2) | DEPARTMENT |
| 395 | Lincoln Recreation Center | |
| 396 | OPR - Lincoln Recreation Center (Non-Tier 1 or 2) | DEPARTMENT |
| 397 | Manzanita Recreation Center | |
| 398 | OPR - Manzanita Recreation Center (Non-Tier 1 or 2) | DEPARTMENT |
| 399 | FM Smith Recreation Center | |
| 400 | OPR - FM Smith Recreation Center (Non-Tier 1 or 2) | DEPARTMENT |
| 401 | San Antonio Recreation Center | |
| 402 | OPR - San Antonio Recreation Center (Non-Tier 1 or 2) | DEPARTMENT |

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|-----|--|--|
| 403 | Carmen Flores Recreation Center | |
| 404 | OPRE - Carmen Flores Recreation Center (Non-Tier 1 or 2) | DEPARTMENT |
| 405 | Office of Parks and Recreation (Tier 1 & 2) | |
| 406 | | |
| 407 | AGENCY: Police Department | |
| 408 | Unit | THIRTEEN DEPARTMENTS (For analysis only. One Department for hiring obligations.) |
| 409 | Internal Affairs | |
| 410 | OPD Internal Affairs (Tier 1) | DEPARTMENT |
| 411 | Police Area 1 | |
| 412 | Police Area 2 | |
| 413 | Police Area 3 | |
| 414 | OPD Patrol (Tier 1) | DEPARTMENT |
| 415 | Special Operations | |
| 416 | Abandoned Car Removal (Tier 1) | DEPARTMENT |
| 417 | Support Operations | |
| 418 | Neighborhood Services (Tier 1) | DEPARTMENT |
| 419 | Communications Unit | |
| 420 | OPD 911 Dispatch (Tier 1) | DEPARTMENT |
| 421 | Records Unit | |
| 422 | Records & Warrants | |
| 423 | OPD Records Division (Tier 1) | DEPARTMENT |
| 424 | Traffic BFO | |
| 425 | OPD Traffic Division (Tier 1) | DEPARTMENT |
| 426 | Animal Shelter | |
| 427 | OPD Animal Control (Tier 1) | DEPARTMENT |
| 428 | Property/Theft | |
| 429 | OPD Property/Theft (Tier 2) | DEPARTMENT |
| 430 | Youth & Family Services | |
| 431 | OPD Youth & Family Services (Tier 2) | DEPARTMENT |
| 432 | Assault | |
| 433 | OPD Assault (Tier 2) | DEPARTMENT |
| 434 | Office of the Chief - Administration | |
| 435 | Bureau of Investigations Admin | |
| 436 | Property and Evidence | |
| 437 | Identifications Sections | |
| 438 | Criminal Investigations | |
| 439 | Homicides | |
| 440 | CID Targeted Enforcement Task Force | |
| 441 | Robbery | |

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| | | |
|-----|--|------------------------------|
| 442 | Bureau of Services – Administrations | |
| 443 | Research, Planning & Crime Analysis | |
| 444 | Bureau of Administrations | |
| 445 | Police Personnel | |
| 446 | Police information Technology | |
| 447 | Backgroud & Recruiting | |
| 448 | Bureau of Field Operations-Admin | |
| 449 | OPD Divisions (Title 2) | DEPARTMENT |
| 450 | Public Information | |
| 451 | Office of the inspector General | |
| 452 | Special Investingations Internal (Intelligence Division) | |
| 453 | Criminalistics | |
| 454 | Training Unit | |
| 455 | Fiscal Services | |
| 456 | OPD Division (Non Title 2) | DEPARTMENT |
| 457 | Oakland Police Department | |
| 458 | | |
| 459 | AGENCY: Public Works Agency | |
| 460 | Unit | THREE DEPARTMENTS |
| 461 | Human Resources | |
| 462 | | |
| 463 | Clean Oakland Program | |
| 464 | Litter Enforcement | |
| 465 | Env Svcs Recycling & Solid Waste | |
| 466 | PWA Divisions (Title 1) | DEPARTMENT |
| 467 | Director and Human Resources Unit | |
| 468 | PWA Fiscal Services | |
| 469 | Management Info Systems Unit | |
| 470 | Infrastructure & Ops Asst Director's Office | |
| 471 | Electrical Services Admin | |
| 472 | Electrical Maintenance | |
| 473 | Electrical Traffic Maintenance | |
| 474 | Electrical Engineering | |
| 475 | Electrical Projects | |
| 476 | Infrastructure Maint Admin | |
| 477 | Storm Drain Maintenance | |
| 478 | Sewer System Maintenance | |
| 479 | Street & Sidewalk Maintenance | |
| 480 | Tree Services | |
| 481 | Equipment Services Administration | |
| 482 | Facilities & Environ Asst. Director's Office | |

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| | | |
|-----|--|------------|
| 483 | Facility Services Admin | |
| 484 | Civic Center Complex | |
| 485 | Hall of Justice Complex | |
| 486 | Plant Operations | |
| 487 | Roaming Custodial | |
| 488 | Project Design | |
| 489 | Parks/Bldg Maint Admin | |
| 490 | Landscape Maintenance | |
| 491 | Special Services | |
| 492 | Bldgs Electrical & Painting | |
| 493 | Bldgs Plumbing & Area Maint | |
| 494 | Bldgs Structural | |
| 495 | SCGA Admin | |
| 496 | Street Cleaning | |
| 497 | Graffiti Abatement & Rapid Response | |
| 498 | Illegal Dumping | |
| 499 | Environmental Services Admin | |
| 500 | Env Svcs Environmental Remediation | |
| 501 | Env Svcs Sustainability | |
| 502 | Env Svcs Watershed Program | |
| 503 | Env Svcs Energy Group | |
| 504 | PWA Divisions (Non-Attention 2) | DEPARTMENT |
| 505 | Public Works Call Center | |
| 506 | PWA - Public Works Call Center (Non-Attention 2) | DEPARTMENT |
| 507 | Public Works Agency | |

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Exhibit 2: Super PCP Departments

| Agency/Department/Position | Bilingual Staff | | Notes |
|--|-----------------|------|--|
| City Administrator's Office (Agency) | | | |
| 1. Equal Access Unit | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| 2. Citizens Police Review Board | 1 SP | 1 CH | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |
| 3. Administration – OAC | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly, on the condition that the function and staffing of this office is substantively unchanged. |
| City Clerk's Office (Agency) | | | |
| 4. City Clerk (1 st Floor) | 1 SP | 1 CH | At least one Spanish-speaking and one Chinese-speaking employee, shall be easily available to both the clerks' offices at all times during business hours. A schedule setting forth the name and extension of each person shall be available at the clerks' desks. |
| 5. City Clerk (2 nd Floor) | | | |
| Community and Economic Development Agency | | | |
| 6. Zoning | 1 SP | 1 CH | At least one Spanish-speaking and one Chinese-speaking employee shall be available at the (permit and building services) desks to assist the public at all times during business hours. |
| 7. City Planning – Other | | | |
| 8. Inspection Services Admin – Other | 2 SP | 2CH | At least one PCP (inspector who works in the field) shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. In addition, at least one PCP who works internally shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| 9. Inspection Services – Other | | | |
| 10. Building Inspection – Residential – Other | | | |
| 11. Engineering Services | | | |
| 12. Building Inspection – Commercial – Other | | | |
| 13. District 2 | | | |
| 14. District 3 | | | |
| 15. District 4 | | | |
| 16. Building Codes – Residential – Other | | | |
| 17. Building Services – Other | | | |
| 18. Inspection Support | | | |
| 19. Municipal Lending | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| 20. Residential Rent Arbitration | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |

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| Agency/Department/Position | Bilingual Staff | | Notes |
|---|-----------------|------|--|
| Finance & Management Agency | | | |
| 21. Parking Citation Assistance Center | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| 22. Business License Tax | | | |
| 23. Revenue Collections | | | |
| 24. Citywide Liens | 1 SP | 1 CH | At least one Spanish-speaking and one Chinese-speaking employee, shall be easily available to Business License Tax, Revenue Collections, and Citywide Liens at all times during business hours. A schedule setting forth the name and extension of each person shall be available in each Department. |
| Fire Department (Agency) | | | |
| 25. Fire Communications | | | |
| 26. Communications Emergency Dispatch | 1 SP | 1 CH | The quantitative analysis shall determine the number of PCP dispatchers that shall be designated as BPCP for each threshold language. In addition to this number of BPCPs, at least one additional PCP dispatcher shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| Department of Human Services (Agency) | | | |
| 27. Multipurpose Senior Service Program | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| Library (Agency) | | | |
| 28. Administrative Unit | | | |
| 29. Main Library Administration | | | |
| 30. Art/History/Literature | | | |
| 31. Magazines and Newspapers | | | |
| 32. Science Business and Sociology | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language in the Main Library and shall be filled by selective certification accordingly. |
| 33. Children's Room | | | |
| 34. Circulation/Automation | | | |
| 35. Asian Branch | -- | 2 CH | At least two PCPs shall be designated as BPCP for Chinese—one for Mandarin and one for Cantonese—and filled by selective certification accordingly. |
| 36. Cesar Chavez (formerly Latin American Branch) | 1 SP | -- | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |

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| Agency/Department/Position | Bilingual Staff | | Notes |
|--|-----------------|------|--|
| Office of Parks & Recreation (Agency) | | | |
| 37. Lincoln Recreation Center | -- | 1 CH | At least one PCP shall be designated as a Chinese-speaking BPCP and filled by selective certification accordingly. |
| 38. Manzanita Recreation Center | 1 SP | -- | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |
| 39. FM Smith Recreation Center | 1 SP or 1 CH | | At least one PCP shall be designated as either a Spanish-speaking or Chinese-speaking BPCP and filled by selective certification accordingly. |
| 40. San Antonio Recreation Center | 1 SP | -- | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |
| 41. Carmen Flores Recreation Center | 1 SP | -- | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |
| Police Department (Agency) | | | |
| 42. Communications Unit | 1 SP | 1 CH | The quantitative analysis shall determine the number of PCP dispatchers that shall be designated as BPCP for each threshold language. In addition to this number of BPCPs, at least one additional PCP shall be designated as a BPCP dispatcher for each threshold language and filled by selective certification accordingly. |
| 43. Records Unit | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |
| 44. Animal Shelter | 1 SP | -- | At least one PCP shall be designated as a Spanish-speaking BPCP and filled by selective certification accordingly. |
| Public Works Agency | | | |
| 45. Public Works Call Center | 1 SP | 1 CH | At least one PCP shall be designated as a BPCP for each threshold language and filled by selective certification accordingly. |

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To: [Department]

Subject: Administrative Instruction regarding Department Compliance Plan:
Implementation of the Oakland City Ordinance No. 12324 Section 2.30 of the
Oakland Municipal Code, entitled "Equal Access to City Services."

Number:

Reference:

Effective Date:

PURPOSE

The Oakland Equal Access Ordinance (EAO or Ordinance) was enacted to ensure that Oakland residents, regardless of their English proficiency, have full and equal access to all City services, including many basic and potentially life-saving City services, and that they are able to participate in City government. The Ordinance requires City Departments to hire a sufficient number of bilingual employees in Public Contact Positions, translate vital written documents, and provide recorded telephone messages in languages spoken by at least 10,000 Oaklanders. The purpose of this Administrative Instruction is to ensure that the EAO is implemented, monitored, and enforced.

1. DUTIES AND RESPONSIBILITIES

A. Equal Access Office

1. The Equal Access Office shall provide training and technical assistance to Agencies to facilitate implementation of the EAO, monitor Agency and Office of Personnel Resource Management (OPRM) compliance with all aspects of the EAO, and assist the City Administrator in ensuring that the City complies with the EAO.
2. The Equal Access Office shall cooperate with OPRM to ensure that prior to recruiting or hiring, Agencies determine whether any positions to be filled are Public Contact Positions (PCPs) for which there are an insufficient number of current bilingual employees to serve limited English speakers of languages covered by the EAO (languages spoken by at least 10,000 Oaklanders). If there are an insufficient number of bilingual PCPs, the Equal Access Office and OPRM shall ensure that selective certification is used so that limited English speakers will have equal access to City services.
3. The Equal Access Office shall ensure that each Agency furnishes it with a current list of PCPs, organized by Department and location. The Equal Access Office shall ensure that by April 1st of each year, each Agency

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submits an Agency Compliance Plan (ACP) to the City Administrator and Equal Access Office that provides accurate and complete information, an assessment of Agency and Department compliance with the EAO and a plan for addressing any identified deficiencies.

4. The Equal Access Office shall assist the City Administrator in preparing an accurate and complete City Administrator Annual Compliance Plan (CAACP).
5. The Equal Access Office shall ensure that each Agency designates an Agency Language Access Coordinator (ALAC) who is responsible for Agency compliance with the EAO. The Equal Access Office shall make recommendations to Agencies to improve access to Agency services by limited English speakers (LES) of languages covered by the Ordinance.
6. The Equal Access Office shall ensure that vital documents are translated and that recorded telephone messages are maintained in languages covered by the Ordinance.

B. Agencies

1. Each Agency must comply with the EAO, including the requirements of the EAO to:
 - (a) Hire sufficient bilingual employees to meet the needs of limited English speakers who speak languages covered by the EAO.
 - (b) Translate vital documents into the languages covered by the EAO.
 - (c) Maintain recorded telephone messages in languages covered by the EAO.
 - (d) Take interim measures to ensure limited English speakers have access to services when sufficient bilingual employees cannot be hired.
2. By March 1st of each year, each Agency must provide the City Administrator an updated list of PCPs for each of its Departments, organized by location.
3. By April 1st of each year, each Agency must provide the City Administrator and Equal Access Office an annual Agency Compliance Plan that provides accurate and complete information, an assessment of Agency and Department compliance with the EAO and a plan for addressing any identified deficiencies.
4. Each Agency shall designate an existing managerial employee as an Agency Language Access Coordinator (ALAC) to perform duties, described below, that will ensure Agency and Department compliance with the EAO.
5. Each Department within an Agency must comply with the EAO, including the requirements to:

- (a) Hire sufficient bilingual employees to meet the needs of limited English speakers of languages covered by the EAO;
- (b) Ensure that all vital documents are translated;
- (c) Maintain recorded telephone messages in languages covered by the EAO;
- (d) Take interim measures to ensure limited English speakers have access to services when sufficient bilingual employees cannot be hired.

6. Agencies shall not recruit or hire for any PCP without first notifying OPRM and the Equal Access Office of their intention to recruit or hire for any PCP.

7. Agencies shall "post notices in the public areas of their facilities in [threshold languages] indicating that translated written materials and staff who speak the languages, are available." These notices shall be "posted prominently" and be "readily visible to the public." § 2.30.050 (D)

C. Agency Language Access Coordinator (ALAC)

1. Each Agency's ALAC shall be responsible for coordinating and ensuring that each Agency and Department complies with the EAO. The ALAC shall report to the Agency head. The ALAC shall be responsible for:
 - (a) Ensuring that all PCPs are identified;
 - (b) Ensuring that the selective certification procedure is used to recruit and hire bilingual PCPs if an Agency or Department has insufficient bilingual PCPs;
 - (c) Coordinating hiring of PCPs with the Equal Access Office and OPRM;
 - (d) Identifying the need for bilingual PCPs and ensuring that selective certification is used to correct deficiencies in bilingual staffing;
 - (e) Ensuring that vital documents are translated and disseminated;
 - (f) Ensuring that recorded telephone messages are available in languages covered by the EAO;
 - (g) Ensuring that at each location where services are provided there are translated vital documents in languages covered by the EAO that explain how limited English speakers may have equal access to Agency services;
 - (h) In consultation with the Agency head, preparing the Agency's Compliance Plan;
 - (i) Ensuring that if insufficient numbers of bilingual employees are available to serve limited English speakers of languages covered by the EAO, equal access to services is nonetheless provided; and

(j) Training Agency staff to serve limited English speakers.

D. Office of Personnel Resource and Management (OPRM)

1. OPRM shall ensure that:

- (a) Before processing any request to hire for a position it ascertains, by using the Agency Compliance Plan, whether the position is a Public Contact Position and if so, whether it must be filled by a bilingual employee in order to ensure that there is a sufficient number of bilingual employees to serve limited English speakers of languages covered by the EAO. If so, it must ensure that selective certification is used in which bilingual skills are an essential qualification for the job. All announcements and descriptions of the positions must indicate that bilingual skills are an essential qualification for the job and selective certification will be used to fill the position. OPRM shall not process any request to hire for a PCP that deviates from these requirements unless it obtains prior written authorization from the City Administrator.
- (b) In order to identify qualified applicants for PCPs, OPRM, shall:
 - i. Maintain a list of Bay Area organizations, websites, and institutions serving limited English speakers in languages covered by the Ordinance and send or e-mail job announcements to them.
 - ii. Each recruitment and classification specialist will ensure that recruitment efforts maximize the pool of bilingual applicants for PCPs for which there are an insufficient number of bilingual employees to serve limited English speakers.

II. Identification of Need to Hire Bilingual PCPs in Order to Provide LES Persons with Equal Access to Services:

A. Overview

- 1. The EAO defines "public contact position" (PCP) 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." § 2.30.020. To comply with the EAO, Departments must "[u]tiliz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s)." § 2.30.030 (A).
- 2. The determination of how many bilingual PCPs (BPCPs) are needed in a Department (or if the Department has multiple locations, in a

Department's location) is based on several factors. First, each Department, in conjunction with the Equal Access Office, will identify all Department positions as PCP or non-PCP as set out in Section II.B. Second, using the quantitative and qualitative assessments described in Section II.C, each Department, in conjunction with the Equal Access Office and OPRM, will determine if there are sufficient BPCPs in the Department or location to provide adequate services to LES persons. Finally, each Department, in conjunction with the Equal Access Office and OPRM, shall employ the process described in Section II.D to ensure that there are sufficient BPCPs to provide services to LES persons.

B. Determination of Whether a Position is a PCP:

1. By [DATE], the Equal Access Office and each City Agency will review all positions and their geographic locations, to determine whether the positions are PCPs. This information will be provided to OPRM.
2. By April 1st of each year, the Equal Access Office and each City Agency will review the prior year's list of PCPs, determine whether positions should be added or deleted from the list, and provide a revised list to OPRM.
3. Agencies and the Equal Access Office will determine if a position is a PCP by answering the three questions below. If the answer is "yes" to any of these three questions, then the position is a PCP.

| Questions to Determine if Position is PCP | Yes | No | If yes, then PCP |
|---|-----|----|------------------|
| 1. Do the position's regular job duties involve contact with the public? | | | |
| 2. Do employees who hold this position have contact with the public on a recurring basis even though public contact is not included in the position's job duties? Such recurring contact should be more than only occasional or infrequent. | | | |
| 3. Should the position be designated a PCP because of other factors? In answering this question, consider the following: a PCP designation is appropriate for positions in a geographic location or Department with only a small number of employees, requiring all employees to have some public contact. | | | |

C. Analvzing Whether there are Sufficient Bilingual PCPs

1. Overview: The EAO defines “sufficient bilingual employees as “the number of employees required to provide the same level of services to limited-English-speaking persons as is available to English-speaking persons seeking any city services.” § 2.30.020. To comply with the EAO, Departments must “[u]tihz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s).” § 2.30.030 (A). All employees including but not limited to classified, exempt, exempt limited duration (ELDE’s), temporary contract service employees (TCSE’s), and paid interns are covered by the EAO.
2. To meet the sufficient bilingual staffing requirement, each Agency, in conjunction with the Equal Access Office, shall assess by Department whether there are sufficient BPCPs, using the process set out below. Each Agency shall also ensure that the service provided to LES persons by Department is the same quality of service as that provided to English speakers. For example, wait times, service levels and opportunities for communication should be the same. Each Agency shall utilize selective certification if there are insufficient numbers of BPCPs in Departments within its jurisdiction.
3. Exhibit 1 attached, lists the Departments with responsibilities subject to the EAO as of [DATE] (See Section II.F and VI). The assessment of whether a Department has a sufficient number of BPCPs to provide equal access to services must be specific to the location where the service is provided.
4. Quantitative Assessment.
Using the methodology below, each Department shall make a quantitative assessment of the sufficiency of BPCPs.
 - (a) City Wide
Departments that provide City services at a central location, for example, at Frank Ogawa Plaza, shall be deemed to provide city wide services. For these centralized locations the assessment of “sufficient bilingual staffing” shall be performed in the manner set out below and documented in the Agency Compliance Plan, prepared in conjunction with the Equal Access Office:

(i) Determine the current number of PCPs and the current number of bilingual PCPs (threshold languages separately³) employed by the Department at that location.

(ii) Multiply the number of current PCPs by the % of the Spanish or Chinese LES population in the City. The City Administrator determines the LEP population based on current census or other reliable survey data. - The number of bilingual PCPs as calculated above shall be compared with the number of current bilingual PCPs determined in (i) above.

(iii) After completion of the quantitative assessment, continue to the qualitative assessment, described below.

(b) Community Based Services
The Equal Access Office and Agencies will identify the Departments that provide services at geographically based locations.

For those services provided at geographically dispersed locations, the quantitative assessment of the sufficiency of BPCPs will be made at each location—i.e., by community center, library, etc. The Equal Access Office will provide data on the percentage of LES persons in the geographic area served at that location. The same process described in (i) and (ii) above) to determine the quantitative assessment for the “city-wide” services will be used for the “community based” services, except that the data on LES persons will be based on the specific geographic location rather than “city wide” data.

5. Qualitative Assessment

In addition to the quantitative assessment, each Department must perform a qualitative assessment annually or at a minimum biennially to determine whether it is providing the same quality of service to LES persons as it provides to English speakers. If the qualitative assessment indicates that LES persons are not receiving or are not likely to receive the same services using the number of bilingual PCPs determined by the quantitative assessment, additional BPCPs must be hired to ensure equal access to the Department’s services. The qualitative assessment may be used to demonstrate that fewer bilingual PCPs are needed than determined by the quantitative assessment only if the Department has documented through the Department survey described below that (1) LES persons use services at a rate significantly lower than the quantitative assessment

³ For FY 2009-2010, Spanish and Chinese are the languages which meet the EAO threshold. The determination of which languages meet the EAO threshold shall be reviewed and determined on an annual basis.

indicates and (2) that LES persons have not been deterred from using the services because of insufficient bilingual PCPs on staff. The Equal Access Office must certify and approve the assessment. The qualitative assessment shall be included in the City Administrator's Annual Compliance Plan and reviewed by the City Administrator. The City Administrator will determine -annually whether it is feasible, given City staffing, to conduct a qualitative assessment survey, and whether it can be conducted annually or only biennially. That determination and the reasoning in support thereof shall be documented in the annual CAACP. At a minimum, a qualitative assessment survey must be performed every two years.

(a) Survey

As part of the City Administrator's Annual Compliance Plan, each Department shall audit and report whether it is providing the same services to LES persons by conducting a survey for the purpose of determining whether additional bilingual staff should be added in order to provide LES persons with the same level of service as English speakers. Each Department shall develop an adequate survey tool, appropriate to the services it provides, receive approval from the Equal Access Office, and submit a copy of the survey instrument and summary of the results and analysis of the survey in the CAACP. The survey results shall be based on documented facts and the survey shall be conducted in a manner sufficient to provide reasonable assurance of the survey's reliability. Questions such as those listed below may be useful as indices of service.

- i). Would the quantitative assessment of BPCPs for the Department result in a sufficient number of BPCPs to provide LES persons the same level of service as English speakers?
- ii). Are there any services that the Department provides to the public that for which LES persons experience a longer wait for service?
- iii). Are there any services that the Department provides that are not available at the same level or scope to LES persons?
- iv). Are some services so specialized that they must be delivered to LES persons by a BPCP and none is currently available to provide that service?
- v). Have LES persons been deterred from seeking any of the Department's services because of a lack of BPCPs? This question is best answered through client and community interviews.

D. Additional Requirements for Evaluating the Sufficiency of Bilingual PCPs.

1. "Rounding up threshold": If the quantitative assessment for BPCP need results in 0.5 or higher FTE BPCP, then the City Administrator must round up to the next whole number of FTE BPCPs. (For example, 2.5 must be rounded up to 3). The CAACP shall report on and reflect the "rounding up threshold" for Departments.

2. Each Department shall rely on the quantitative numerical threshold to determine whether it has sufficient BPCPs, until it completes a qualitative assessment to augment its analysis.

3. Departments and/or Positions Designated as "Super PCP." In order to ensure that limited English speaking persons have sufficient access to certain crucial public services, the City has designated certain Departments identified in Exhibit 2, as "Super PCP Departments." Selective Certification shall be used to ensure that Departments providing certain crucial public services have at least the minimum bilingual staffing set forth in Exhibit 2.

The "Super PCP" designation shall not result in displacement of any existing employees, nor will it trump the Civil Service rules or any Memoranda of Understanding. Should the next census or other data reveal an increase in the number of limited English speakers of a language other than Spanish or Chinese sufficient to qualify as a threshold language, then the City Administrator may designate additional Departments or positions as "Super PCP." Should the next census or other data reveal a decrease in the number of limited English speakers of a language such that it no longer meets the threshold, then the City Administrator may reallocate "Super PCP" positions or Departments from that language.

E. Oakland Police Department (OPD) and Oakland Fire Department (OFD).

1. Overview. OPD and OFD provide crucial public safety services. OPD and OFD are subject to all of the EAO's provisions and further, the EAO requires that police beats and firehouses in neighborhoods with a significant concentration of LES "Persons Groups" be staffed by a sufficient number of bilingual officers and firefighters. (See § 2.30.040(b))

2. The City represents that existing MOUs control police officer assignments to patrol beats and firefighter assignments to firehouses. For that reason, the following interim provisions regarding those police officers and firefighters subject to the MOUs shall be implemented. However, the City recognizes the crucial nature of OPD and OFD services and shall explore

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every means available to ensure all residents, including LES persons, have full and equal access to these services.

3. **Quantitative and Qualitative Assessment.** OPD and OFD will make a quantitative assessment of the sufficiency of BPCPs for each division (defined as a "Department" in Exhibit 1 for reporting purposes) within OPD and OFD having public contact, using the "city wide" methodology described in Section II.C.4.a. In addition to the quantitative assessment, OPD and OFD must perform a qualitative assessment annually to determine whether they are providing the same quality of service to LES persons as they provide to English speakers as described in Section II.C.5.
4. **Police Beats and Firehouses.** OPD and OFD will make best efforts to ensure that police beats and firehouses located in areas of high LES concentration have bilingual officers and firefighters serving the LES population. If OPD or OFD are unable to do so, OPD and/or OFD in conjunction with the Equal Access Office, will suggest changes that would increase service to the LES population.
5. **Special Reporting Requirements.** OPD's and OFD's determination of the sufficiency of BPCPs will be based on the "city wide" methodology. However, OPD and OFD will include in the Agency Compliance Plans an analysis of the sufficiency of BPCPs based on the location of police beats and firehouses using the "community based" methodology described in Section II.C.4.b.
6. **OPD shall adopt a Language Access Policy that is issued as a Training Bulletin.** OPD will provide training regarding the language access policy for new recruits and periodically for OPD members. Initial training shall be conducted within 180 days of the adoption of the language access policy.
7. **Outreach.** The Citizens Police Review Board ("CPRB"), in conjunction with the Equal Access Office and OPD, shall develop an outreach program to LES communities in Oakland in the EAO threshold languages regarding the language access policy and the EAO by [DATE].
8. **Complaints.** Internal Affairs and the CPRB shall develop with the Equal Access Office a method to train its staff to identify and analyze complaints that involve language access, which shall include coordination with and review by the Equal Access Office.

E. Selective Certification.

1. Any Department that does not have sufficient bilingual employees in Public Contact Positions (BPCPs) as determined by the method described above must utilize selective certification to ensure there are sufficient BPCPs to provide equal service to LES persons. The City Administrator, EAO and OPRM will ensure that selective certification is used when needed. The selective certification process requires that the ability to speak a language covered by the EAO is an essential job requirement for the PCP and only those individuals who speak the language are eligible for hire. Only after making and documenting that best efforts have been made to fill a PCP through the selective certification process and no qualified individuals able to perform all aspects of the job can be hired, may the City Administrator authorize the hiring of an individual who has not been selectively certified.

2. The City Administrator may bypass the selective certification process only in the event of a health or safety emergency or a threatened loss of funding that pertains to the position at issue or to hire a TCSE or ELDE while recruitment using selective certification is ongoing. In these limited circumstances, efforts to identify and hire BPCPs shall nonetheless be made. If the City Administrator determines that bypassing the selective certification process is necessary and applies to a large number of PCPs, the City Administrator shall report the rationale for the determination to the Finance and Management Committee at its next meeting. Other deviations from the selective certification process shall be reported to the Finance and Management Committee on a quarterly basis and included in the City Administrator's Annual Compliance Plan.

III. Interim Measures to Address Insufficient Bilingual PCPs

- A. Whenever there are insufficient bilingual PCPs in a Department but no vacancies exist or whenever necessary to provide equal access to City services, the following should be implemented:
 - 1. Agencies must maintain a list of employees who speak the threshold languages. At least one employee who can provide service to LES persons shall be available during business hours. Employees shall have access to telephone language interpretation at all times, and should choose a method for communicating best suited to providing service to LES persons.
- B. All Agencies and Departments must demonstrate that they have adequate means to make all services available to LES persons.
- C. All Agencies will have Language Access Coordinators.

- D. All Agencies will adopt and implement Language Access Policies approved by the City Administrator and the Finance and Management Agency.
- E. Each PCP shall be trained in the use of interim measures to assist LES persons.

IV. Translations of Vital Documents

- A. All vital documents provided to or made available to the public shall be translated into threshold languages.
- B. By [DATE], the Equal Access Office and Agencies shall ensure that all vital documents are translated.
- C. The Equal Access Office and Departments must determine whether any publicly available document created by the Department after [DATE] is a vital document. Vital documents are “written materials that provide vital information to the public about the [D]epartment’s services or programs.” § 2.30.050 (B). If the document is vital, the document shall be translated into threshold languages no later than thirty (30) days from the date that the document is made publicly available in English. A list of all vital documents and a list identifying newly created documents and specifying dates of translations of the vital documents shall be included in each Agency Compliance Plan.

V. Recorded Telephonic Messages In Threshold Languages

- A. The Equal Access Office shall ensure that all Departments “maintain recorded telephonic messages in [threshold languages].” The message is required to contain the following: “basic information about the [D]epartment’s operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance.” § 2.30.080.
- B. By [DATE], Agencies shall identify all recorded telephonic messages that are not available to the public in threshold languages and/or identify whether the Department provides the information listed above. A list of such non-complying recorded telephonic messages shall be included in the Agency Compliance Plan, described in Section VI.
- C. By [DATE], the Equal Access Office in conjunction with the Agency shall ensure that all recorded telephonic messages are maintained in threshold languages.

VI. Agency Compliance Plans (ACPs)

- A. Overview. Section 2.30.100 requires that the Annual Compliance Plan prepared by the City Administrator (CAACP), described in Section VII, must provide

information at the Department level for all the Departments listed in Exhibit 1. Each Agency, in conjunction with the Equal Access Office, shall prepare an Agency Compliance Plan that shall include all Departments in the Agency. The Agency Compliance Plan shall be submitted to the City Administrator and shall be incorporated into the CAACP. Although the Agency may aggregate the information of all Departments within the Agency's jurisdiction in a single Agency Compliance Plan, individual departmental information shall be included.

1. An approved example of the ACP form is attached as Exhibit 3. It shall include, but not be limited to, the information required by § 2.30.100 (B)(1)-(16) of the EAO, and shall provide information required to assess and monitor compliance with the EAO, including for example, the provisions requiring access by LES persons to public telephonic messages and vital documents.

2. It must also provide a narrative assessment and analysis of the Department's compliance with the EAO, deficiencies in compliance and measures or changes necessary to achieve full compliance.

C. Each Agency Compliance Plan shall be provided to the City Council as part of the City Administrator's Annual Compliance Plan and shall be available in the City Administrator's Office.

VII. City Administrator Annual Compliance Plan (CAACP)

A. Overview: Section 2.30.100 of the EAO sets forth specific requirements for the City Administrator's Annual Compliance Plan (CAACP) that shall be submitted to City Council by June 1 of each year. The CAACP that would be due on June 1, 2010, shall be delayed until October 1, 2010, and all deadlines related to the June 1, 2010 report adjusted to correspond with this due date. The City Administrator shall sign the CAACP certifying that the CAACP complies with the EAO.

B. An approved example of the CAACP form is attached as Exhibit 4. It shall include, but not be limited to, the following:

1. All information required by § 2.30.100 (B)(1)-(16) of the EAO, and additional information required to assess and monitor the Departments' compliance with all provisions of the EAO.
2. A list of all Departments.
3. A narrative assessment and analysis of departmental compliance with the EAO, deficiencies in compliance, and measures or changes necessary to achieve full compliance.

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4. A description of any measures the City Administrator has used or proposed to achieve full compliance.
 5. A report identifying all complaints alleging a violation of the EAO, including the number, nature, and status of the complaints and a narrative description of the resolution or proposed resolution of each such complaint.
- C. CAACPs shall be available on the City website and made available upon request in the City Administrator's Office. Summaries of the CAACP shall be available in threshold languages. Notice that the CAACP is available and information stating how to access it shall be posted prominently at each Agency location and on the City's website.
- D. Other than in 2010, when it shall be submitted by October 1st, the CAACP shall be submitted to City Council by June 1st each year.

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Model Agency Compliance Plan Template

Purpose

This Agency Compliance Plan (ACP) template is to be used to report compliance with the Equal Access Ordinance (EAO) and Administrative Instruction Number: ____; Reference: xxx. The EAO was enacted to ensure that Oakland residents, regardless of their English proficiency, have full and equal access to all City services, including many basic and potentially life-saving City services, and that they are able to participate in City government. The Ordinance requires City Departments to hire a sufficient number of bilingual employees in Public Contact Positions, translate vital written documents, and provide recorded telephone messages into languages spoken by at least 10,000 Oaklanders. The purpose of the ACP is to collect data necessary, by Agency and Departments within its jurisdiction, to ensure that the EAO is implemented, monitored and enforced. The City Administrator will compile the information from the Agency Compliance Plans into the City Administrator Annual Compliance Plan (CAAP), which will be submitted to the City Council and public.

General Instructions

The term “Department” as used in this Instruction refers to the City Administrator’s designated list of Departments (see Exhibit I), such that the Department shall be assessed by geographic location. Each Agency shall submit this form with answers to the Narrative Assessment and the attached tables (Tables 1-9), which collectively is the annual Agency Compliance Plan, to the City Administrator and the Equal Access Office.

The Agency Language Access Coordinator (ALAC), in consultation with the Agency head, shall prepare and disseminate to Agency staff and the City Administrator this Agency Compliance Plan. Each Agency head must certify that the Agency Compliance Plans are accurate and complete.

All annual Agency Compliance Plans shall be posted on the agencies’ website and the EAO website and shall be available to the public upon request in each Agency facility.

Agency Head Certification

Provide the following certification that the Agency head has reviewed this Agency Compliance Plan for final approval:

I, _____, hereby certify, that I have reviewed and approved this Equal Access Agency Compliance Plan for accuracy and completeness, and adopt the goals specified in this Agency Compliance Plan.

TABLES 1-9

By completing Tables 1-9 of this Agency Compliance Plan, the Agency will be reporting on specific data necessary to identify Departments' gaps in oral and written language services (§.2.30.100). After completing Tables 1-9, continue to [PAGE, SECTION] and fill out the Narrative Assessment portion of this Agency Compliance Plan.

TABLE 1: CONTACT INFORMATION

Instructions to Agencies:

Table 1 reports on basic information about the Departments that is relevant to the implementation, enforcement, and monitoring of the Equal Access Ordinance. Fill out the excel sheet, Table 1, by providing:

1. The name of the Departments;
2. The physical address including the floor and room number of the Departments for each geographic location;
3. The name of the Agency head;
4. The name of the Agency Language Access Coordinator (ALAC); the job title of the ALAC; the ALAC's email address;
5. The ALAC's telephone number; and
6. The date the Agency Compliance Plan was submitted to the City Administrator.

TABLE 2: PCP STARTING IN CURRENT PCPS BY AGENCY

The Equal Access Ordinance Definition of Public Contact Positions

The EAO defines "public contact position" (PCP) 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." § 2.30.020. To comply with the EAO, Departments must "[u]tiliz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s)." § 2.30.030 (A).

Interpretative Guidelines

Agencies and the Equal Access Office will determine if a position is a PCP by answering the three questions below. If the answer is "yes" to any of these three questions, then the position is a PCP.

| Questions to Determine if Position is PCP | | Yes | No | If yes, then PCP |
|---|--|-----|----|------------------|
| 1. | Do the position's regular job duties involve contact with the public? | | | |
| 2. | Do employees who hold this position have contact with the public on a recurring basis even though public contact is not included in the position's job duties? Such recurring contact should be more than only occasional or infrequent. | | | |
| 3. | Should the position be designated a PCP because of other factors? In answering this question, consider the following: a POP designation is appropriate for positions in a geographic location or Department with only a small number of employees, requiring all employees to have some public contact. | | | |

Instructions to Departments:

1. By [DATE], the Equal Access Office and each City Agency will review all positions and their geographic locations, to determine whether the positions are PCPs. This information will be provided to OPRM.
2. By April 1st of each year, the Equal Access Office and each City Agency will review the prior year's list of PCPs, determine whether positions should be added or deleted from the list, and provide a revised list to OPRM.

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Table 2 reports on information about the PCPs. Fill out the excel sheet, Table 2, by providing:

1. The name of the Departments;
2. The physical address including the floor and room number of the Departments;
3. The job classification title of the position;
4. The job function of the position;
5. The number of full-time employees (PTEs) in the position;
6. The number of staff in these positions that speak Spanish, Chinese (Cantonese or Mandarin), or another language;
7. The number of staff that receive Bilingual Pay (BLP);
8. The number of staff that have been tested for their language abilities by the City and for each of these numbers provide the designation of Spanish (S), Chinese (C), or Other (O) for languages spoken;
9. The number of new positions this year and for each of these numbers provide the designation of Spanish (S), Chinese (C), or Other (O) for languages spoken;
10. The number of PCPs frozen for this FY [YEAR]; and
11. The number of PCPs vacant for this FY [YEAR];

SUFFICIENT BILINGUAL EMPLOYEES: TABLES 3 AND 4

The Equal Access Ordinance Definition

The EA O defines sufficient bilingual employees as "the number of employees required to provide the same level of services to limited-English-speaking persons as is available to English-speaking persons seeking any city services." § 2.30.020. To comply with the EA O, Departments must "[u]tiliz[e] sufficient bilingual employees in public contact positions [to] provide information and services to the public in each language spoken by the substantial number of limited-English-speaking persons group(s)." § 2.30.030.(A). All employees, including but not limited to classified, exempt, exempt limited duration (ELDE's), temporary contract service employees (TCSE's), and paid interns are covered by the EA O.

Interpretative Guidelines

To meet the sufficient bilingual staffing requirement, each Agency, in conjunction with the Equal Access Office, shall assess by Department whether there are sufficient BPCPs, using the process set out below. Each Agency shall also ensure that the service provided to LES persons by Department is the same quality of service as that provided to English speakers. For example, wait times, service levels and opportunities for communication should be the same. Each Agency shall utilize selective certification if Table 4 below reflects that there are insufficient numbers of BPCPs in Departments within its jurisdiction.

TABLE 3: PCP STAFFING. 1 ANALYSIS OF MEETING BILINGUAL PCPS GOALS FOR FY [CURRENT YEAR]

Instructions to Agencies:

Table 3 will reflect the BPCP goals determined during the prior fiscal year to meet the BPCP staffing gaps. By comparing the actual number of BPCPs hired during this fiscal year with the BPCP goals determined the prior fiscal year, the Agency will determine if the Departments have met their BPCP staffing goals this fiscal year. Fill out the excel sheet, Table 3, by providing:

1. The name of the Departments;
2. The physical address including the floor and room number of the Departments;
3. The job classification title for the PCPs in each Department;

The following determinations only need be made for the total Departments; they need not be determined by job classification.

4. The total BPCPs goals for prior FY [YEAR] as recorded in the last FY [YEAR] DCP, Table 4, in the column entitled, "Total BPCPs Goals for Prior FY [YEAR]."

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5. The total numbers of BPCPs filled in the current FY [YEAR] by Department for both Spanish and Chinese as recorded in the current FY [YEAR].
6. The percentage of BPCPs goals met for current FY [YEAR]. This is determined by dividing the numbers in the column entitled, “Bilingual PCPs Filled in FY [YEAR]” by the column entitled, “Total BPCPs Goals for Prior FY [YEAR].”
7. Determine the number bilingual PCPs needed to have met goals for FY [YEAR]. Subtract the numbers from the column entitled “Bilingual PCPs Filled in FY [YEAR]” from the column entitled, “Total BPCPs Goals for Prior FY [YEAR].”
8. Provide the number of consecutive months the Department has not met its BPCP goals. The determination of the number of months that the Department has been out of compliance should include prior fiscal year’s months if these months have been consecutive.

TABLE 4: PCP STAFFING 2: BILINGUAL PCPS GOALS ASSESSMENT FOR FY [NEXT YEAR]

Instructions to Agencies:

Table 4 will report the numbers required as determined by this fiscal year by Department of "sufficient bilingual employees," *i.e.*, the number of employees required to provide the same level of services to limited-English-speaking persons as is available to English-speaking persons seeking any city services. This is the number of bilingual PCPs the Department will be held accountable for hiring FY [next year]. Fill out the excel sheet, Table 4, by providing:

1. The name of the Departments;
2. The physical address including the floor and room number of the Departments;
3. The total numbers of Public Contact Positions (PCPs) by Department;
4. The total numbers of Bilingual Public Contact Positions (BPCPs) by Department for both Spanish and Chinese;
5. The percentage of limited English proficient (LEP), for both Spanish and Chinese, in the service area population, where city-wide Departments will use city-wide percentages and local offices will use local-office percentages. These percentages are made available to the Departments by the Equal Access Office and the City Administrator.
6. The quantitative component of BPCPs goals for both Spanish and Chinese that is needed to meet the quantitative bilingual staffing component. The quantitative determination must be performed for the office location's geographic service region. To determine this quantitative component of the goals, refer to detailed instructions below.
7. The BPCP goals using the quantitative component for both Spanish and Chinese for FY [YEAR]. To determine BPCP goal using the quantitative component, refer to detailed instructions below.
8. The BPCPs goals using the qualitative component for both Spanish and Chinese for FY [YEAR]. To determine BPCP goals using the qualitative component, refer to detailed instructions below.
9. The total BPCPs goals for both Spanish and Chinese for FY [YEAR]. To determine the total BPCP goals, add the numbers from the column entitled "BPCPs Goals Using Quantitative Component for FY [YEAR]" and "Qualitative Component of BPCPs Goals."

The City Administrator will compile the information from Table 4 and organize Departments by Agency and then include this information in the Annual Compliance Plan, which will be submitted to the City Council and public.

To Determine the “Quantitative Component of Bilingual PCPs Goals” in Table 4

The quantitative determination of BPCPs goals for both Spanish and Chinese is recorded in Table 4, listed in #6 in the instructions above. The calculation must be performed for the office location’s geographic service region.

1. City Wide

Departments that provide City services at a central location, for example, at Frank Ogawa Plaza, shall be deemed to provide city wide services. For these centralized locations the assessment of “sufficient bilingual staffing” shall be performed in the manner set out below and documented in the Agency Compliance Plan, prepared in conjunction with the Equal Access Office:

- (iv) Determine the current number of PCPs and the current number of bilingual PCPs (threshold languages separately⁴) employed by the Department at that location. See Table 4.
- (v) Multiply the number of current PCPs by the % of the Spanish or Chinese LES population in the City. The City Administrator, based on current census or other reliable survey data deems the citywide Spanish LES population to be [FILL IN %] and the Chinese LES population to be [FILL IN %]. The number of bilingual PCPs as calculated above shall be compared with the number of current bilingual PCPs determined in (i) above.
- (vi) These figures reflect the quantitative component of the BPCPs goals for both Spanish and Chinese that is needed to meet the quantitative bilingual staffing component. Fill in these figures in Table 4, in the column entitled “Quantitative Component of BPCPs Goals.”
- (vii) After completion of the quantitative assessment, continue to the qualitative assessment, described below.

2. Community Based Services

The Equal Access Office and Agencies will identify the Departments that provide services at geographically based locations.

- (a) For those services provided at geographically dispersed locations, the quantitative assessment of the sufficiency of BPCPs will be made at each location—i.e., by community center, library, etc. The Equal Access Office will provide data on the percentage of LES persons in the geographic area served at that location. The same process described (in (i) and (ii) above) to determine the quantitative assessment for the “city wide” services will be used for the “community based” services, except

⁴ For FY 2009-2010, Spanish and Chinese are the languages which meet the EAO threshold. The determination of which languages meet the EAO threshold shall be reviewed and determined on an annual basis.

that the data on BBS persons will be based on the specific geographic location rather than "city wide" data.

- (b) These figures reflect the quantitative component of the BPCPs goals for both Spanish and Chinese that is needed to meet the quantitative bilingual staffing component. Fill in these figures in Table 4, in the column entitled "Quantitative Component of BPCPs Goals."

To Determine the "Bilingual PCPs Goals Using Quantitative Component for FY [YEAR]" in Table 4

The bilingual PCPs goals needed to meet staffing gaps using the quantitative component for both Spanish and Chinese for FY [YEAR] recorded in Table 4, listed in #7 in the instructions above.

1. **All Departments (City-wide and Local):** Compare the number of required bilingual PCPs as calculated in Table 4, column entitled "Quantitative Component of BPCPs Goals" (#6 in instructions above) with the number of total bilingual PCPs as recorded in Table 4, column entitled "Total BPCPs" (#4 in instructions above).
2. Subtract the numbers in the column entitled "Quantitative Component of BPCPs Goals" from the numbers in the column entitled "Total BPCPs."
3. The difference is the number of bilingual PCP vacancies to be filled through selective certification. These figures should be recorded in Table 4, column entitled "BPCPs Goals Using Quantitative Component for FY [YEAR]" (#7 in instructions above).
4. If the number of current bilingual PCPs is the same or larger than the BPCPs goals, record "0" in Table 4, column entitled "Bilingual PCPs Goals Using Quantitative Component for FY [YEAR]," then turn to the qualitative component of the assessment to determine if there is a need for additional bilingual staffing.
5. If the quantitative assessment for BPCP need results in 0.7 or higher FTE BPCP, then round up to the next whole number of FTE BPCPs. (For example, 2.7 must be rounded up to 3). If the quantitative assessment for BPCP need results in 0.5 or higher FTE BPCP, then the City Administrator has the discretion to round up to the next whole number of FTE BPCPs. (For example, 2.5 may be rounded up to 3). For any calculations resulting in 0.5 or higher FTE BPCPs, consult with the Equal Access Office for the City Administrator's annual determination whether rounding up to the next whole number of FTE BPCPs is required for this FY. The CAACP shall report on and reflect the "rounding up threshold" for Departments.
6. Each Department shall rely on the quantitative numerical threshold to determine whether it has sufficient BPCPs, until it completes a qualitative assessment to augment its analysis.

To Determine the “Qualitative Component of BPCPs Goals” in Table 4

Departments must assess the adequacy of service to LEP populations. (See § 2.30.100 (B) (15)). The qualitative component of BPCPs goals is recorded in Table 4, listed in #8 in the instructions above. The assessment and survey below will be summarized in narrative form in the Narrative Assessment Section @.

7. Qualitative Assessment

In addition to the quantitative assessment, each Department must perform a qualitative assessment annually or at a minimum biennially to determine whether it is providing the same quality service to LES persons as it provides to English speakers. If the assessment indicates that LES persons are not receiving or are not likely to receive the same services, additional BPCPs must be hired to ensure equal access to the Department’s services. The qualitative assessment may be used to demonstrate that fewer bilingual PCPs are needed than determined by the quantitative assessment only if the Department has documented through the Department survey described below that (1) LES persons use services at a rate significantly lower than the quantitative assessment indicates and (2) that LES persons have not been deterred from using the services because of insufficient bilingual PCPs on staff. The Equal Access Office must certify and approve the assessment. The qualitative assessment shall be included in the City Administrator’s Annual Compliance Plan and reviewed by the City Administrator. -The City Administrator will determine - annually whether it is feasible, given City staffing, to conduct a qualitative assessment survey, and whether it can be conducted annually or only biennially. That determination and the reasoning in support thereof shall be documented in the annual CAACP. At a minimum, a qualitative assessment survey must be performed every two years.

(a) Survey

As part of the City Administrator’s Annual Compliance Plan, each Department shall audit and report whether it is providing the same services to LES persons by conducting a survey for the purpose of determining whether additional bilingual staff should be added in order to provide LES persons with the same level of service as English speakers. Each Department shall develop an adequate survey tool, appropriate to the services it provides, receive approval from the Equal Access Office, and submit a copy of the survey instrument and summary of the results and analysis of the survey in the CAACP. The survey results shall be based on documented facts and the survey shall be conducted in a manner sufficient to provide reasonable assurance of the survey’s reliability. Questions such as those listed below may be useful as indices of service.

- i). Would the quantitative assessment of BPCPs for the Department result in a sufficient number of BPCPs to provide LES persons the same level of service as English speakers?
- ii). Are there any services that the Department provides to the public that for which LES persons experience a longer wait for service?
- iii). Are there any services that the Department provides that are not available at the same level or scope to LES persons?
- iv). Are some services so specialized that they must be delivered to LES persons by a BPCP and none is currently available to provide that service?
- v). Have LES persons been deterred from seeking any of the Department's services because of a lack of BPCPs? This question is best answered through client and community interviews.

2. To Determine the "Total BPCPs Goals FY [YEAR]" in Table 4:

To determine the total BPCP goals, add the columns entitled "BPCPs Goals Using Quantitative Component for FY [YEAR]" and "Qualitative Component of BPCPs Goals." Selective certification must be used when the goal shows that BPCPs are needed within the jurisdiction of Departments.

3. Additional Requirements for Evaluating the Sufficiency of BPCPs.

- (a) Departments and/or Positions Designated as "Super PCP." In order to ensure that limited English speaking persons have sufficient access to certain crucial public services, the City has designated certain Departments as "Super PCP Departments." Selective Certification shall be used to ensure that these Departments have at least the minimum bilingual staffing as set forth in the Administrative Instruction. The City Administrator may designate additional Departments as "Super PCPs" and will inform Agencies of any additions through the Equal Access Office.
- (b) OPD and OFD are subject to special assessments and shall coordinate with the Equal Access Office and the City Administrator to meet the EAO's requirements.

**TABLE 5: TRANSLATION.I ALL VITAL DOCUMENTS IN DEPARTMENT AND TABLE 5A:
PUBLIC DOCUMENTS DETERMINED TO BE NON-VITAL**

The EAO requires that the City Administrator “establish an in-house [court-certified or accredited] translation service . . . for the purpose of translating written materials for city [D]epartments . . . or professional services may be contracted out to an accredited translation contractor” (§ 2.30.050 (A)). Departments are required to translate “written materials that provide vital information to the public about the [D]epartment’s services or programs.” (§ 2.30.050 (B)).

Written materials include, but are not limited to:

- brochures;
- outreach materials;
- applications or forms to participate in a department’s program or activity or to receive its benefits or services;
- written notices of fines or rights to, determination of eligibility of, award of, denial of, loss of, or decrease in a benefit, city service or program, including the right to appeal any department’s decision;
- written tests that 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 (e.g., City Web Pages and downloadable materials) that have the potential for determining eligibility for, or access to, services from, or participating in a program of a city department. (§ 2.30.050).

In addition, Departments “shall ensure that their translations are made by a certified translator and that materials are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.” (§ 2.30.050 (E)). “Departments are encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the department.” (§ 2.30.050 (E)).

The EAO also requires that Departments maintain an adequate stock of readily available translated materials from state and federal agencies. (§ 2.30.060).

Instructions to Agencies:

Create Table 5.A, which shall list all public documents which are determined not to be vital documents as defined above. Table 5 only reports on the translation of vital documents. Fill out the excel sheet, Table 5, by providing:

1. The name of the Department;
2. The name of the vital document, including the document ID number;

3. Indicate “yes” or “no” as to whether the document has been translated into The threshold language;

For any documents that have already been translated into the threshold language prior to this fiscal year and for which reporting was provided, the following questions may be skipped if they are overly burdensome to answer. If the document was translated this year or the document has not been translated, then answer the following questions.

4. If the document was translated into the threshold language, indicate the date it was translated; if the document was not translated into The threshold language, indicate the date scheduled for translation;
5. If the document has been checked for accuracy in the threshold language, provide the name of the translator and his or her job classification; if the document has not been checked for accuracy in the threshold language, then answer “no.”
6. If the document was checked for accuracy in the threshold language, indicate the date it was checked for accuracy; if the document was not checked for accuracy in the threshold language, indicate the date scheduled for checking for accuracy;
7. If the document has received community feedback regarding the translation in the threshold language, provide the name of the community person and his or her community organization; if the document has not received community feedback regarding the translation in the threshold language, then answer “no.”
8. If the document received community feedback in the threshold language, indicate the date it received community feedback; if the document has not received community feedback in The threshold language, indicate the date scheduled for receiving community feedback;

TABLE 6: TRANSLATION.2 SUMMARY OF VITAL DOCUMENTS IN DEPARTMENT

Instructions to Agencies:

Table 6 summarizes the vital documents translated. Fill out the excel sheet, Table 6, by providing:

1. The name of the Departments;
2. The number of vital documents;
3. The number of total documents translated into Spanish;
4. The percentage of total documents translated into Spanish;
5. The number of total documents translated into Spanish which have been checked for accuracy;
6. The percentage of total documents translated into Spanish which have been checked for accuracy;
7. The number of total documents translated into Spanish which have received community feedback;
8. The percentage of total documents translated into Spanish which have received community feedback;
9. The number of total documents translated into Chinese;
10. The percentage of total documents translated into Chinese;
11. The number of total documents translated into Chinese which have been checked for accuracy;
12. The percentage of total documents translated into Chinese which have been checked for accuracy;
13. The number of total documents translated into Chinese which have received community feedback;
14. The percentage of total documents translated into Chinese which have received community feedback.

TABLE 7: ASSESSMENT OF MULTILINGUAL TELEPHONE MESSAGES

The Equal Access Office shall ensure that all Departments "maintain recorded telephonic messages in [threshold languages]." The message is required to contain the following: "basic information about the [D]epartment's operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance." § 2.30.080.

Instructions to Agencies:

Table 7 assesses the Departments' recorded telephone messages. Fill out the excel sheet, Table 7, by providing:

1. Provide the Department's public phone numbers.
2. For each of the Department's public phone numbers, has the Department recorded a message in Spanish? In Chinese? Answer "yes" or "no" as appropriate.
3. Does the message in Spanish contain basic information about the Department's operation including, at a minimum, business hours, location(s), services offered, and the means of accessing such services, and the availability of language assistance? In Chinese? Answer "yes" or "no" as appropriate.
4. If the answer is "no" to any component of the above, provide the number of months the Department has not met its goals.
5. If the message has been recorded in Spanish and Chinese, indicate the date it was recorded; if the message has not been recorded in Spanish and Chinese, indicate the date scheduled to complete recording.

TABLE 8: OPRM BILINGUAL PUBLIC CONTACT POSITION RECRUITMENT SUMMARY. 1

Instructions:

Fill out the excel sheet, Table 8, by providing:

1. The total number of BPCPs designated to be recruited by the recruiting firm.
2. The number of BPCPs filled in this fiscal year by language.
3. The number of BPCPs that remain unfilled.
4. The percentage of BPCPs hired that meet designated goals.
5. Provide a copy of each of the qualified applicants pool lists for each PCP filled, identifying whether each applicant had bilingual capabilities. Attach as appendix @. (See § 2.30.100 (B)(6)).

TABLE 9: OPRM BILINGUAL PUBLIC CONTACT POSITION RECRUITMENT SUMMARY. 2

Instructions:

Fill out the excel sheet, Table 9, by providing:

1. The name of the Department in which the BPCP, who was recruited by the recruiting firm, was hired into.
2. The address of the Department in which the BPCP, who was recruited by the recruiting firm, was hired into.
3. The job classification of the BPCP who was recruited by the recruiting firm.
4. The language of the BPCP who was recruited by the recruiting firm.
5. The date the BPCP, who was recruited by the recruiting firm, filled the job.
6. The name of the recruitment firm which recruited the BPCP.

NARRATIVE ASSESSMENT

1. Describe the process that OPRM utilizes before processing any Department personnel request for PCPs, including any deviations that were used in the preceding year.
2. Provide a list of Bay Area organizations serving Spanish-speaking and Chinese-speaking populations to which OPRM posts job announcements. Attach as Appendix @.
3. Provide a list of ethnic language media to which OPRM posts job announcements. Attach as Appendix @.
4. Identify the employee whose sole duty will be to identify recruits and assist them with job applications.
5. Identify any structural barriers to hiring BPCPs and provide recommendations for addressing them.

AGENCY COMPLIANCE PLAN NARRATIVE ASSESSMENT

By completing the Narrative Assessment of this Agency Compliance Plan, the Agencies will be reporting on the collection, assessment, and reporting on specific data necessary to identify gaps in oral and written language services; development of plans for filling service gaps; and measurement of progress. The Narrative Assessment should be completed in document format using the questions provided: _____

Assessment of Bilingual Public Contact Positions and Corrective Plans
for Hiring Sufficient Bilingual Public Contact Positions

Instructions to Agencies:

1. [DEPARTMENT NAME] had a total of [#] PCPs this FY [YEAR], of which [#] were vacant PCPs and [#] were frozen PCPs. [DEPARTMENT NAME] had a total of [#] BPCPs this FY [YEAR], of which [#] were Spanish and [#] were Chinese. The goals of BPCPs (as determined by last year's assessment) for Spanish were [#] and for Chinese were [#].
2. In Table 4, the Agency was required to determine the "Qualitative Component of BPCPs Goals" pursuant to § 2.30.100 (B)(15)) by Department. See Section @, @. The assessment and two-week survey required elements of service such as wait times, level of service and quality of communication to be analyzed. Provide the results of the assessment and survey in narrative form here.

In Tables 3-4, the Agency analyzed whether the Departments were meeting their goals of providing "sufficient bilingual employees" as required by the EAO. Table 3 records whether the Departments have fully met its BPCPs goals for this fiscal year. If the Departments did not meet their BPCP goals for this fiscal year, then the Departments must answer the following:

3. The Department did not meet the Spanish goal by [number and %] and did not meet the Chinese goal by [number and %]. (See § 2.30.100 (B)(4)).
4. Describe the Agency's methods or means employed to ensure a pool of qualified BPCP applicants, and describe the method of processing each qualified applicant (§ 2.30.100 (B)(5)). Describe how the Agency works with the City Administrator, the Equal Access Director and the Office of Personnel and Management to recruit, and hire bilingual qualified applicants. Assess the adequacy of these efforts and indicate areas of improvement.
5. Describe the Agency's methods for assessing and testing language skills for its bilingual employees. (§ 2.30.100 (B)(5)).
6. Describe in detail the Agency's corrective action plan for meeting its BPCP goals the following fiscal year. A correction plan must set forth a concrete and realistic plan to remedy noncompliance. (See § 2.30.100 (B)(5)). For example, a correction plan may include any of the following actions: hiring one or more recruitment firms to recruit sufficient bilingual applicants; or modifying testing and selection procedures that disproportionately exclude applicants and are not required by business necessity.
7. Describe any additional interim measures in place to ensure access by LES populations to Department services pending the hiring and/or deployment of sufficient BPCPs. The required interim measures are:

2. Agencies must maintain a list of employees who speak the threshold languages. At least one employee who can provide service to LES persons shall be available during business hours. Employees shall have access to telephone language interpretation at all times, and should choose a method for communicating best suited to providing service to LES persons.
3. All Agencies and Departments must demonstrate that they have adequate means to make all services available to LES persons.
4. All Agencies will have Language Access Coordinators.
5. All Agencies will adopt and implement Language Access Policies approved by the City Administrator and the Finance and Management Agency.
6. Each PCP shall be trained in the use of interim measures to assist LES persons.
8. Provide how many calls were made using the language line and which language was interpreted.
9. Describe in detail the reasons explaining why the Department did not meet its BPCP goals, including assessment of any structural barriers. For example, noncompliance may be caused by the failure to recruit bilingual personnel; elimination of bilingual applicants during the testing process; or failure to hire bilingual applicants from an eligibility list.

**Assessment of Translation of Written Documents
and Corrective Plans for Complete Translation**

Instructions to Agencies:

1. [AGENCY NAME] had a total of [#] vital documents this FY [YEAR], of which [#] [%] were translated into Spanish and [#] [%] were translated into Chinese, [#] [%] were checked for accuracy in Spanish and [#] [%] were checked for accuracy Chinese, [#] [%] received community feedback in Spanish and [#] [%] received community feedback in Chinese.
2. Departments are required to “post notices in the public areas of their facilities in [Spanish and Chinese] indicating that written materials in the languages, and staff who speak the languages, are available.” These notices must be “posted prominently” and be “readily visible to the public.” (§ 2.30.050 (D)).
 - (a) List the locations in which the Department has posted notices and indicate whether both Spanish and Chinese notices have been posted.
 - (b) Describe how these postings are prominent and readily visible to the public.
 - (c) Include the Department’s written policy and procedures regarding posting of these notices.
3. Describe how the Department ensures that there is an adequate stock of readily available translated materials from state and federal agencies. (§ 2.30.060). Include the Department’s written policy and procedures regarding these materials.
4. “Departments are encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the department.” (§ 2.30.050(E)). Describe how the Department solicits feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department. Include the Department’s written policy and procedures regarding receiving community feedback.
5. Specify individuals responsible for translating vital documents (E.g., City Administrator’s Equal Access Office, Department’s Existing bilingual personnel (non-certified), Departments existing bilingual personnel (certified); translation agency, non-profit organization, free lance translator (non-certified), free lance translator (certified)):
6. Does the Department print translated documents in the colored paper guidelines specified by the City Administrator’s Equal Access Office? (Chinese (pink); Spanish (blue); Vietnamese (green)) .
7. What was the Agency’s budget for translation of vital documents for the prior FY [YEAR]?

8. What is the Agency's budget for translation of vital documents for current FY [YEAR]?

Table 6 records whether Departments have fully met its translation goals for all of its vital documents. If the Departments did not meet its translation goals for this fiscal year, then the Agencies must answer the following:

9. Provide the number of months the Department has not met its translation goals.
10. Describe the interim measures in place to ensure access by EES populations to translated written materials.
11. Describe in detail the reasons explaining why the Department did not meet its translation goals, including assessment of any structural barriers. Indicate if sufficient resources have been allocated to translate documents, and if not, an assessment of additional resources needed for complete and accurate translation of documents.
12. When a Department fails to translate vital documents, the City Administrator shall arrange for translation of vital documents by a certified translator and charge the cost of translation to the Department budget. Describe in detail the Department's corrective action plan for meeting its translation goals the following fiscal year. A correction plan must set forth a concrete and realistic plan to remedy noncompliance.

Assessment of Multilingual Telephone Messages

The Equal Access Office shall ensure that all Departments “maintain recorded telephonic messages in [threshold languages].” The message is required to contain the following: “basic information about the [D]epartment’s operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance.” § 2.30.080.

Instructions to Agencies:

1. If the Department has not recorded a message in Spanish and Chinese that contains basic information about the Department’s operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance, then describe the interim measures in place to ensure access by LES populations.
2. Describe in detail the reasons explaining why the Department did not meet its goals, including assessment of any structural barriers. Indicate if sufficient resources have been allocated, and if not, an assessment of additional resources needed.
3. Describe in detail the Department’s corrective action plan for meeting its translation goals the following fiscal year. A correction plan must set forth a concrete and realistic plan to remedy noncompliance.

Assessment of Department Communication with LES Populations

Instructions to Agencies:

1. Describe in detail the procedures used to facilitate communication with LES Spanish and Chinese populations and assess the adequacy of the procedures. Describe the mechanism the Department uses to assess the adequacy of these procedures and how often it is assessed. (See § 2.30.100 (B)(7)).
2. Describe the written policies on providing services to LES Spanish and Chinese populations. (§ 2.30.100 (B) (14)).
3. Describe and assess the Department's outreach efforts to inform LES Spanish and Chinese populations of their right to bilingual services. (See § 2.30.130 (B)).
4. Departments are required to "allow persons to make complaints alleging violation [of the EAO] in [Spanish and Chinese]. The complaints may be made by telephone or by completing a complaint form." (§ 2.30.090 (A)). Describe and assess the procedures for accepting and resolving complaints of community members regarding bilingual oral and written services. (See § 2.30.100 (B) (13)). Include how the Department makes the public aware of their right to make complaints by telephone or by completing a complaint form.
5. Departments must "document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than two years." (§ 2.30.090 (B)). Describe the Department's procedure for documenting actions taken to resolve each complaint and maintaining copies of the complaint and documentation of their resolution.
6. Departments must forward "[a] copy of each complaint . . . to the City [Administrator] within thirty (30) days of its receipt." (§ 2.30.090 (B)). Provide a list of the Department's complaints forwarded to the City Administrator specifying when the complaint was filed and whether the complaint was forwarded to the City Administrator within 30 days of its receipt. Attach as Appendix @.

**Assessment of
Dissemination of Agency Compliance Plan**

Instructions to Agencies:

1. When will the current FY [YEAR] Agency Compliance Plans be posted on the agency's website and the EAO website?
2. Are prior years Agency Compliance Plans posted on the agency's website and the EAO website?
3. When will the current FY [YEAR] ACP be available to the public upon request in each Department facility?

Describe how notice has been posted prominently at the Agency's geographic location and on the agency's website and the EAO website that ACPs are available with information stating how to access the ACPs.

Model City Administrator's Annual Compliance Plan Template

To: City Council

From: City Administrator

Subject: Annual Compliance Plan Report pursuant to the Oakland City Ordinance No. 12324 Section 2.30 of the Oakland Municipal Code, entitled “Equal Access to City Services.”

Date Submitted:

PURPOSE

The City Administrator is charged with implementation, assessment, monitoring, and enforcement of The Equal Access to Services Ordinance (Oakland City Ordinance No. 12324 Section 2.30 of the Oakland Municipal Code, “EAO”) that was enacted for the purpose of providing equal access to city services to all Oakland residents, including those with limited proficiency in English. The City Administrator has issued Administrative Instruction Number: xxx, Reference Number: xxx to Departments providing direction about how to implement the EAO and adopted Agency Compliance Plan Templates to collect and analyze the necessary information and data to prepare the Annual Compliance Plan Report that the City Administrator is required to file by June 1 of each year under the EAO.

FISCAL IMPACTS

[TO BE FILLED]

BACKGROUND OF THE EQUAL ACCESS ORDINANCE

[TO BE FILLED]

SUMMARY OF FINDINGS, ANALYSIS, AND RECOMMENDATIONS

1. There are [#] LEP Spanish, [#] LEP Chinese. Spanish and Chinese meet the limited English speaking threshold of 10,000 as required by the EAO.
2. The total number of Public Contact Positions (PCPs) in the City are [#]. The total number of Bilingual Public Contact Positions are [#] Spanish, and [#] Chinese.
3. The total number of Public Contact Positions filled during the fiscal year in the City are [#]. The total number of Bilingual Public Contact Positions (BPCPs) filled during the fiscal year in the City are [#].
4. The total number of vital documents that require translation into Spanish is [#] and Chinese is [#]
5. The total number of vital documents that have been translated into Spanish is [#] and Chinese is [#]

6. The total number of telephone messages that require a recorded interpretation in Spanish is [#] and Chinese is [#]
7. The total number of telephone messages that have a recorded interpretation in Spanish is [#] and Chinese is [#]
8. Provide a summary narrative assessment and analysis of how and whether Departments are complying with the EAO based on the findings and assessments discussed in the full report.
9. Provide a description of implementation “best practices” developed by Agencies.
10. Provide a summary narrative description and assessment of any structural barriers that may be preventing Departments from complying with the EAO and recommend means to address barriers.
11. Provide a summary narrative description and assessment of corrective plans that Agencies have developed to address non-compliance with the EAO and corrective plans adopted by the City Administrator to address identified structural barriers.
12. Describe the enforcement mechanisms that the City Administrator has used or will use to enforce the EAO.
13. Provide any other information required by the City Council and or Finance and Management Committee.

ANNUAL COMPLIANCE PLAN REPORT

1. Provide the number and languages of the limited English speaking group which meet the threshold of 10,000 as required by the Equal Access Ordinance and the source of these numbers. (§ 2.30.100 (B)(1)). Assess whether there is a need to update threshold languages based on established threshold and use of additional reliable data.

The table lists the languages that meet the 10,000 threshold or are close to meeting the threshold. The following reliable data was used determine the threshold languages:

| Language | Number | Data Source |
|---------------|--------|-------------|
| 1. Spanish | 87,467 | 2000 Census |
| 2. Chinese | 31,834 | 2000 Census |
| 3. Vietnamese | | 2000 Census |

2. Provide a narrative assessment and analysis of departmental compliance with the EAO based on the findings and assessments discussed in the full report.
3. Provide a description of implementation “best practices” developed by Departments.
4. Provide a narrative description and assessment of any structural barriers that may be preventing Departments from complying with the EAO and recommend means to address barriers.
5. Provide a narrative description and assessment of corrective plans that Departments have developed to address non-compliance with the EAO and corrective plans adopted by the City Administrator to address identified structural barriers.
6. For Departments that have been noncompliant with the EAO, describe the City Administrator’s plan for enforcement for the Departments and Agencies. Include a description of the enforcement mechanisms that the City Administrator has used or will use to enforce the EAO.

Bilingual Public Contact Position Assessment

7. Provide the numbers of Public Contact Positions by each Department and by each Agency (§ 2.30.100 (B)(2)).

[INSERT SUMMARY PARAGRAPH OF NUMBERS OF PCPS BY AGENCY]

See Attachment @, which includes Table 2 of all Agency Compliance Plans and includes data on current Public Contact Position (PCP) staffing by Department and by Agency. Attachment 3 also includes a summary table of all Departments by Agency and a summary table of all Agencies.

8. Provide a list of all PCPs filled during the current fiscal year, a list of filled BPCPs, and a copy of each of the qualified applicants pool lists for each position filled, identifying whether each applicant had bilingual capabilities. (§ 2.30.100 (B)(6)).

See Attachment 4, which includes Table 3 of all Agency Compliance Plans and includes data on current BPCP staffing by Department and by Agency. Attachment @ also includes a summary table of all Departments by Agency and a summary table of all Agencies. A copy of each applicant pool list by Department is included as Attachment @, Appendix @ of the Agency Compliance Plans.

9. Provide the numbers of BPCPs by each Department and by each Agency, including the numbers of BPCPs hired this fiscal year. (§ 2.30.100 (B)(3)).

See Attachment @, which includes Table 4 of all Agency Compliance Plans and includes data on current BPCP staffing by Department and by Agency. Attachment @ also includes a summary table of all Agencies.

10. Provide a quantitative and qualitative assessment of the additional BPCPs needed to provide the same level of service to Spanish and Chinese LES populations as is provided English speakers. (§ 2.30.100 (B)(4)). In addition, provide a narrative summary of these BPCP goals.

[INSERT SUMMARY PARAGRAPH]

See Attachment @, which includes Table 4 of all Agency Compliance Plans and includes data on BPCP goals for this fiscal year by Department and by Agency. Attachment @ also includes a summary table of all Agencies.

11. For Departments that have identified a need for additional BPCPs, describe and assess the Departments' methods or means employed to ensure a pool of qualified BPCP applicants, and the method of processing each qualified applicant (§ 2.30.100 (B)(5)). If the process of ensuring a qualified bilingual pool of applicants is centralized, what is the process for accomplishing these goals? Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' methods or means employed to ensure a pool of qualified BPCP applicants, and the method of processing each qualified

applicant, see Narrative Assessment of Agency Compliance Plans, Attachment @, Section @.

12. Assess Departments' methods for assessing and testing language skills for its bilingual employees. (See § 2.30.100 (B)(5)). Identify Department best practices and concerns with any particular Departments.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' methods for assessing and testing language skills for its bilingual employees, see Narrative Assessment of Agency Compliance Plans, Attachment @, Section @.

13. For Agency Compliance Plans submitted the prior fiscal year, identify any Departments that have not met their BPCP goals and the length of time of noncompliance.

See Attachment @, which includes Table 3 of all Agency Compliance Plans and includes data on whether BPCP goals have been met by Department and by Agency. Attachment @ also includes Supplemental Summary Table 3.1, entitled Summary of Departments Noncompliant with BPCP Goals, including the number of months the Department has not met its BPCP goals.

14. For Departments that have identified a need for additional BPCPs, describe, and assess the Departments' corrective action plans included in the Agency Compliance Plans for meeting the BPCP goals. (See § 2.30.100 (B)(5)). Identify best practices and any concerns with particular Departments and specific corrective plans

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' corrective action plans included in the Agency Compliance Plans for meeting the BPCP goals, see Narrative Assessment of Agency Compliance Plans, Attachment @.

15. For Departments that have identified a need for additional BPCPs, describe and assess the Departments' interim measures in place to ensure access by LES population to Department services. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' interim measures in place to ensure access by LES population to Department services, see Narrative Assessment of Agency Compliance Plans, Attachment @.

16. For Departments that have identified a need for additional BPCPs, describe and assess any structural barriers identified and recommend means to address barriers.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' structural barriers identified and recommend means to address barriers, see Narrative Assessment of Agency Compliance Plans, Attachment @.

17. For Departments that have been noncompliant with BPCP goals, what is the City Administrator's plan for enforcement for each Department and Agency?

[INSERT SUMMARY PARAGRAPH]

18. Describe and assess how the Office of Personnel, Resources and Management has complied with its duties to facilitate the hiring of BPCPs as prescribed in Administrative Instruction [#]. Identify any particular concerns and discuss any corrective plans.

[INSERT PARAGRAPH]

19. If any recruitment firms are used to search for qualified applicants for City employment positions, provide the name, address, telephone number, and contact person of each recruitment firm used. (§ 2.30.100 (B)(8)).

See Attachment @, Table 7: Recruitment Firm 1 Summary.

20. If any recruitment firms are used to search for qualified applicants for City employment positions, provide the total number of city employees hired from the firm in the current year, including the employee's title and department of employment, and the number of BPCPs, including their title and department of employment. (§ 2.30.100 (B)(9)).

See Attachment @, Table 8: Recruitment Firm 2 Employees.

21. If any recruitment firms are used to search for qualified applicants for City employment positions, assess the adequacy of each firm to recruit applicants for BPCPs in Spanish and Chinese. If the firm has been inadequate in recruiting applicants, provide a description of the actions to be taken to improve performance. (§ 2.30.100 (B)(10-11)).

[INSERT PARAGRAPH]

Translation of Public Document Assessment

22. Provide a list of each Department's written materials required to be translated, the languages into which they have been translated, and the persons who have reviewed the translated material for review of accuracy and appropriateness. (§ 2.30.100 (B)(12)).

See Attachment @, which includes Table 5 of all Agency Compliance Plans and includes data on translation of written materials, including languages they have been translated and persons who reviewed the translation for accuracy and appropriateness by Department and by Agency.

See Attachment @, which includes Table 6 of all Agency Compliance Plans and includes numbers and percentages by Department and by Agency of documents that have been translated, checked for accuracy and reviewed for appropriateness.

23. Assess Departments' policies and procedures for posting notices in Spanish and Chinese in public areas of their facilities indicating that translated written materials and staff who speak the languages are available. (§ 2.30.050 (D)). Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' policies and procedures for posting notices, see Narrative Assessment of Agency Compliance Plans, Attachment @.

24. Assess Departments' policies and procedures for ensuring that there is an adequate stock of readily available translated materials from state and federal agencies. (§ 2.30.060). Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' policies and procedures for ensuring that there is an adequate stock of readily available translated materials from state and federal agencies, see Narrative Assessment of Agency Compliance Plans, Attachment @.

25. Assess Departments' policies and procedures for translation of documents, checking for accuracy and appropriateness. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' policies and procedures for translation of documents, checking for accuracy and appropriateness, see Narrative Assessment of Agency Compliance Plans, Attachment @.

26. For Departments that have identified a need for accurate and appropriate translation of written documents, assess the Departments' corrective action plans included in the Agency Compliance Plans for meeting the translation goals. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' corrective action plans included in the Agency Compliance Plans for meeting the translation goals, see Narrative Assessment of Agency Compliance Plans, Attachment @.

27. For Departments that have identified a need for accurate and appropriate translation of written documents, assess the Departments' interim measures in place to ensure access by LES population to Department services. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' interim measures in place to ensure access by LES population to Department services, see Narrative Assessment of Agency Compliance Plans, Attachment @.

28. For Departments that have identified a need for accurate and appropriate translation of written documents, assess any structural barriers identified and recommend means to address barriers.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' structural barriers identified and recommend means to address barriers, see Narrative Assessment of Agency Compliance Plans, Attachment @.

29. For Departments that have been noncompliant with translation goals, what is the City Administrator's plan for providing technical assistance and/or enforcement for each Department and Agency?

[INSERT PARAGRAPH]

Multilingual Recorded Telephone Messages Assessment

30. Assess whether Departments have maintained multilingual recorded telephone messages in each threshold language that contain the following: basic information about the Department's operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance. (§ 2.30.080). Identify best practices and any concerns with particular Departments.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' multilingual recorded telephone messages, see Narrative Assessment of Agency Compliance Plans, Attachment @.

31. For Departments that have identified a need for multilingual recorded telephone messages, assess the Departments' corrective action plans included in the Agency Compliance Plans for meeting the goals. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' corrective action plans included in the Agency Compliance Plans for meeting the goals, see Narrative Assessment of Agency Compliance Plans, Attachment @.

32. For Departments that have identified a need for multilingual recorded telephone messages, assess the Departments' interim measures in place to ensure access by LES population to Department services. Identify best practices and any concerns with particular Departments and specific corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' interim measures in place to ensure access by LES population to Department services, see Narrative Assessment of Agency Compliance Plans, Attachment @.

33. For Departments that have identified a need for multilingual recorded telephone messages, assess any structural barriers identified and recommend means to address barriers.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' structural barriers identified and recommend means to address barriers, see Narrative Assessment of Agency Compliance Plans, Attachment @.

Assessment of Department Communication with LES Populations

34. Assess the adequacy of Departments' procedures used to facilitate communication with LEP Spanish and Chinese populations. (§ 2.30.100)

(B)(7)). Identify Department best practices and concerns with any particular Departments, and discuss any corrective plans.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' procedures used to facilitate communication with LEP Spanish and Chinese populations, see Narrative Assessment of Agency Compliance Plans, Attachment @.

35. Assess the adequacy of Departments' policies on providing services to LEP Spanish and Chinese populations. (§ 2.30.100 (B) (14)).

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' policies on providing services to LEP Spanish and Chinese populations, see Narrative Assessment of Agency Compliance Plans, Attachment @.

36. Assess the adequacy of Departments' service to LEP Spanish and Chinese populations. (§ 2.30.100 (B) (15)). Identify Department best practices and concerns with any particular Departments.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding the adequacy of Departments' service to LEP Spanish and Chinese populations, see Narrative Assessment of Agency Compliance Plans, Attachment @.

37. Assess the adequacy of Departments' outreach efforts to inform LEP Spanish and Chinese populations of their right to bilingual services. (§ 2.30.130 (B)). Identify Department best practices and concerns with any particular Departments.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' outreach efforts to inform LEP Spanish and Chinese populations of their right to bilingual services, see Narrative Assessment of Agency Compliance Plans, Attachment @.

38. Assess the adequacy of the Departments' procedures for accepting and resolving complaints of community members regarding bilingual oral and written services. (§ 2.30.100 (B) (13)). Identify Department best practices and concerns with any particular Departments.

[INSERT SUMMARY PARAGRAPH]

For complete information regarding Departments' procedures for accepting and resolving complaints of community members regarding bilingual oral and written services, see Narrative Assessment of Agency Compliance Plans, Attachment @.

Dissemination of Annual Compliance Plan

39. Describe how the City Administrator's Annual Compliance Plan has been published and distributed to the public.

City Administrator Additional Duties

40. How has the City Administrator provided training and guidance to Departments to facilitate implementation of the EAO and how have Departments collaborated?
41. Assess the adequacy of the process the City Administrator utilizes to monitor departmental compliance with the EAO.
42. Has the City Administrator and/or Departments provided all additional, if any, information requested by the Finance and Management Committee?

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