



**Office of the City Auditor**

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**Report to the City Council  
City of San José**

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**LANGUAGE  
ACCESSIBILITY: THE CITY  
CAN STRENGTHEN  
EFFORTS TO ADDRESS  
LANGUAGE EQUITY  
ACROSS ITS SERVICES**

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**Report 24-02  
March 2024**

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March 14, 2024

Honorable Mayor and Members  
Of the City Council  
200 East Santa Clara Street  
San José, CA 95113

### **Language Accessibility: The City Can Strengthen Efforts to Address Language Equity Across Its Services**

The City of San José (City) serves a diverse population, with more than 57 percent of its residents report speaking a language other than English at home. Under the City's Language Equity Policy and Guidelines, departments are expected to take reasonable steps to provide equitable access to language assistance services for all City programs and services. The Administration has created resources for staff and departments to meet this goal. This includes providing language and cultural responsiveness trainings for City staff, developing agreements with language translation and interpretation vendors, and providing premium pay for certified bilingual staff who assist non-English residents in accessing City services.

The objective of our audit was to assess City communications for compliance with the City's Language Equity Policy and Guidelines. For this audit, we focused on common customer contacts for direct services provided by City departments. We did not include interpretation services for City Council or other public meetings, or other broad community engagement activities.

**Finding I: Departments Have Made Some Progress on Addressing Language Accessibility, But Additional Work Remains.** Based on a review of five City services, we found that all had made some progress in implementing aspects of the City's Language Equity Policy and Guidelines. We also noted that the reviewed services varied in the extent to which they addressed the policy's requirements and best practices. We found:

- There were common areas for improvement, such as addressing language access at common points of contact with customers. These include phone trees, translations of vital documents, and signage at facilities.
- Departments have not generally assigned Language Access Coordinators, which is a best practice recommended in the policy. It should be noted that some individuals in departments fulfill aspects of this role.
- The Administration can provide additional guidance or resources for departments, such as templates for

**Recommendations:** The Administration should:

- Monitor the language accessibility of common points of customer contact across departments.
- Require that customer facing departments designate Language Access Coordinators and develop Language Access Plans.
- Develop additional resources to support department efforts around language accessibility.

formal Language Access Plans, assistance in identifying vital documents for translation, and developing standard terms for contracts with vendors who provide services to the public.

- Currently, there are no performance metrics or systems to gauge progress on language accessibility and promote improvement over time.

**Recommendations (continued):**

- Create performance metrics and a system to review progress on language accessibility.

**Finding 2: Bilingual Staff Are a Resource to the City, Though Clarity on Their Role Is Needed.**

As of June 2023, the City had close to 900 certified bilingual staff who may provide language assistance to residents. We found:

- Bilingual staff play a critical role in helping residents access City services and resources in languages that they understand.
- Bilingual staff noted that their regular duties are impacted by their bilingual workload. Additionally, some staff may be asked to act as interpreters, which they may not be qualified or trained to do.
- The City has made improvements to the bilingual certification process, though over a third of certified bilingual staff may potentially not have certification records on file.

**Recommendations:** The Administration should:

- Clarify the expectations and role of bilingual staff, including those that do not receive bilingual pay.
- Reconcile bilingual certification records for staff who receive bilingual pay as necessary.

This report has 12 recommendations. We plan to present this report at the March 21, 2024, Public Safety, Finance and Strategic Support Committee. We would like to thank the City Manager’s Office of Communications, the City Attorney’s Office, certified bilingual staff who participated in our survey and focus groups, and all City departments who assisted in the audit for their time, information, insight, and cooperation during the audit process. The Administration has reviewed the information in this report, and their response is shown on the yellow pages.

Respectfully submitted,



Joe Rois  
City Auditor

Audit Staff: Brittney Harvey  
Adrian Perez  
Hiwad Haider  
Eduardo Garcia-Escobar (Stanford in Government fellow)

cc: Jennifer Maguire    Carolina Camarena    Jennifer Schembri    Zulma Maciel  
Nora Frimann    Rob Lloyd    Elsa Cordova    Erik Jensen  
Andrew Malek    Marisa Diaz    Carrie Rank    Jim Shannon  
Ricardo Cisneros

This report is also available online at [www.sanjoseca.gov/audits](http://www.sanjoseca.gov/audits)

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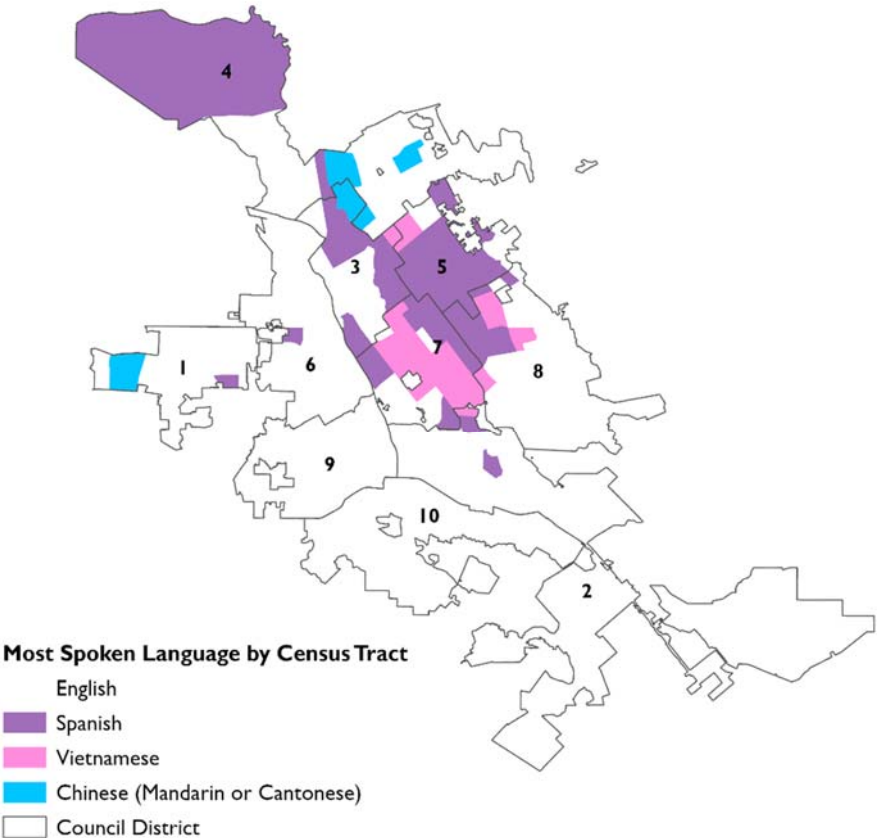
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# Background

The mission of the City of San José (City) is “to provide quality public services, facilities and opportunities that create, sustain, and enhance a safe, livable, and vibrant community for its diverse residents, businesses, and visitors.” Ensuring that these services are offered in a language that residents, businesses, and visitors can understand is critical.

More than 57 percent of residents in San José report speaking a language other than English at home. There are several areas of the city where certain languages are more commonly spoken. According to U.S. Census Bureau data, Spanish, Vietnamese, and Chinese (Mandarin and Cantonese) are the three most common languages spoken in San José aside from English. The map in Exhibit I shows this distribution by location.

**Exhibit I: Most Common Languages in the City by Census Tract**



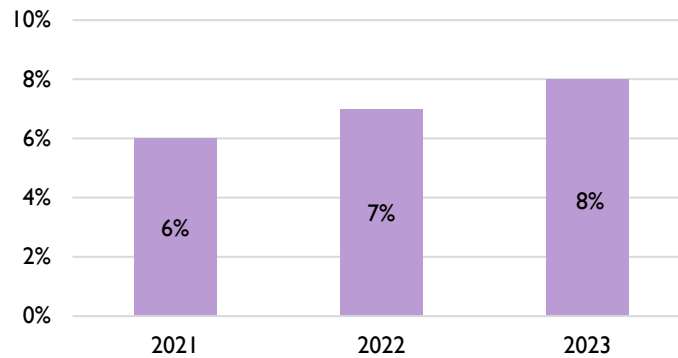
Source: Auditor created based on data from the City’s Graphic Information System language map.

Note: Other languages may be commonly spoken in each area as well.

### **Eight Percent of Residents Surveyed in 2023 Reported Experiencing a Language Barrier**

In 2023, 8 percent of respondents to San José’s Community Opinion Survey reported that they experienced a language barrier when accessing City services. These results are relatively consistent with prior years, as shown in Exhibit 2. With nearly 1 million residents, this means that potentially thousands of San José residents could have experienced a language barrier while accessing City services.<sup>1</sup>

#### **Exhibit 2: Survey Respondents Who Reported Experiencing a Language Barrier While Accessing City Services**



Source: Auditor analysis of the City of San José Community Opinion Survey. Conducted in September 2023, September 2022, and October/November 2021.

Note: The percents are rounded and based on the total number of respondents each year. Total number of respondents varies for each year’s survey. In 2021, 76 of the 1,227 responses to this question reported experiencing a language barrier. For 2022, it was 87 out of 1,464 responses, and for 2023 it was 81 out of 1,048 responses.

### **The City Has Developed a Language Equity Policy and Guidelines**

In 2016, the City established a Language Access Policy (§6.1.10 of the City’s Administrative Policy Manual).<sup>2</sup> This was updated and renamed in 2022, in part to reflect the importance of equity as a key component of language access. The revised policy §6.1.10, the Language Equity Policy and Guidelines notes:

*The purpose of this policy is to ensure the City, including individual City departments, takes reasonable steps to provide equitable access to language assistance services for all City programs and services, for limited and/or non-English speakers, regardless of their language proficiency and cultural background.*

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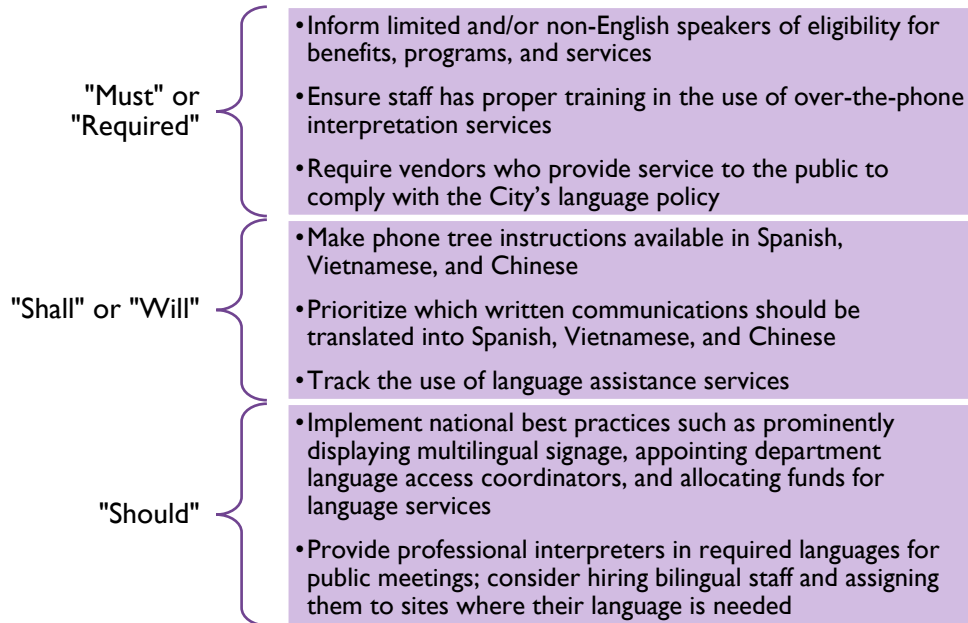
<sup>1</sup> The results of this survey are partially incorporated into the Annual Report on City Services: <https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report>. This survey is conducted on an annual basis and respondents consider all areas of City services which they have accessed.

<sup>2</sup> The first version of the policy §6.1.10, was developed following an audit recommendation from the City Auditor’s 2014 Audit of Customer Call Handling.



The policy outlines several items that are required of City departments and staff, as well as many elements that are best practices to help promote language equity across programs and services. Exhibit 3 shows select components and expectations provided by this policy.

**Exhibit 3: Breakdown of the City’s Language Equity Policy Components**



Source: Auditor analysis of the Language Equity Policy and Guidelines.

The Language Equity Policy and Guidelines identifies Spanish, Vietnamese, and Chinese (including Cantonese and Mandarin) as the standard for translations of documents, signage, call tree instructions, interpretations, and other items identified in the policy.<sup>3</sup>

Additionally, the Federal Government, under Title VI of the Civil Rights Act of 1964, prohibits discrimination based on race, color, or national origin, which is inclusive of Limited English Proficient (LEP) persons. Depending on a specific service or program, other legal standards may govern language requirements.<sup>4</sup>

The City Manager’s Office of Communications is primarily responsible for directing and implementing the City’s communications strategy to inform and engage residents. As part of that work, the Office provides departments with tools to offer language assistance services to limited and/or non-English speakers. The Office’s staff includes a Citywide Language Access Manager who helps

<sup>3</sup> Chinese was added in the October 2022 update to the policy.

<sup>4</sup> The City’s Municipal Code identifies additional language requirements for certain materials.

coordinate language access trainings and is a point of contact for staff to learn about the City’s resources.

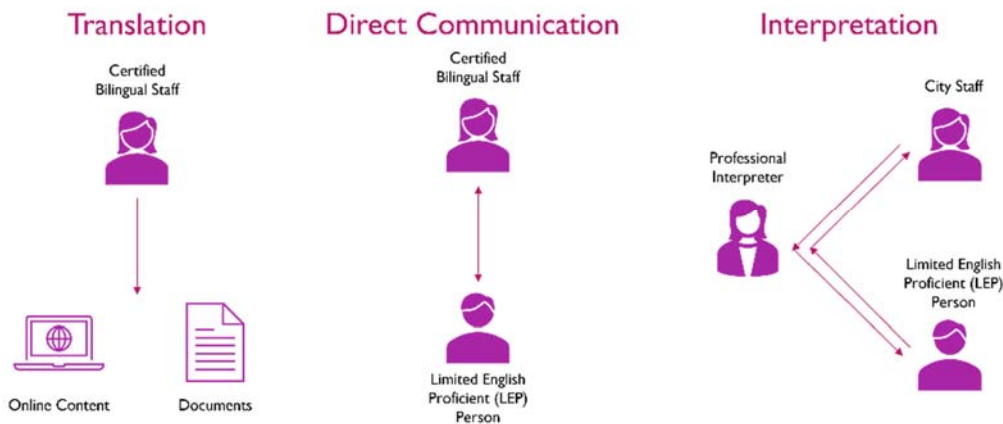
**Language Access is Provided to Individuals Who Interact with the City Through Different Services**

Residents, businesses, and visitors interact with the City in different ways, such as by receiving direct services, through departments’ community engagement activities, public meetings, or other ways. This audit primarily focuses on direct services provided by the City. We did not review interpretation services for Council or other public meetings or broad community engagement activities, such as outreach for proposed policies, or development projects.

The City offers services in multilingual formats to limited and/or non-English speakers. Many departments have certified bilingual staff who can assist individuals directly and help translate material. Departments can also work with vendors that offer translation and interpretation services. The City offers language access on its website through auto-translation. Language access can be provided through translations, direct in-language communication, and interpretation. The following definitions are described in the Language Equity Policy and Guidelines:

- **Translation:** The conversion of communication in one language to another in a written form.
- **Direct ‘In-Language’ Communication:** Monolingual communication in a language other than English between a certified bilingual City employee and a limited and/or non-English speaker.
- **Interpretation:** The act of listening to verbal communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Exhibit 4: Language Services Are Provided in Different Ways**



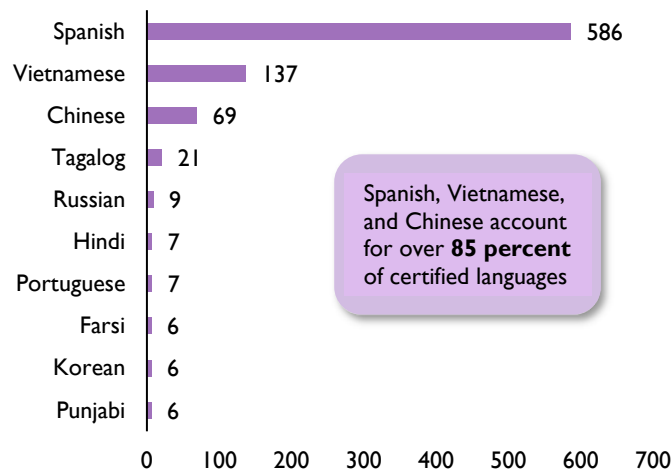
Source: Auditor created based on the Language Equity Policy and Guidelines.

Note: City vendors may also assist with document translation and interpretation.

### Bilingual City Staff Provide Critical Language Services to the Public

As of June 2023, there were nearly 900 certified bilingual staff in the City, about 750 of whom received premium pay for providing language services to residents. While most certified bilingual staff speak and write in Spanish, Vietnamese, and Chinese (including Cantonese and Mandarin), bilingual staff are also certified in other languages such as Tagalog and Russian, as shown in Exhibit 5. Certified bilingual staff speak and/or write in 34 different languages in total.

#### Exhibit 5: Ten Most Common Languages of Certified Bilingual Staff



Source: Auditor analysis of data from the City’s Human Resource Management System (HRMS).

Certified bilingual staff work in nearly all City departments and offices. Most work in the Police, Fire, and Library Departments, with 307 individuals in Police, 160 in Fire, and 139 in Library.

#### *Bilingual Staff Must be Certified and Seek Department Approval to Receive Bilingual Pay*

Bilingual premium pay totaled \$1.56 million in FY 2022-23. To receive bilingual pay, staff must go through a certification process and the language must be used on the job on a regular, on-going basis.<sup>5</sup> Although the policy does not specify the frequency, it does give examples of language being used four or more times per month on average, or one or more times per week on average. Departments review and approve forms for their staff to receive this pay.

<sup>5</sup> According to the Bilingual Pay Policy, “For sworn employees, the language has been identified by the Police Chief or Fire Chief as a high-need language.” Certified bilingual staff may have premium pay discontinued by their department if they no longer need to use their bilingual skills on a regular, on-going basis.

In FY 2023-24, bilingual pay for most full-time staff is \$60 per pay period. For sworn personnel in Fire and Police, it is 2.5 percent of the top step of an officer or firefighter's pay per biweekly pay period.<sup>6</sup>

### **The City Contracts with Vendors to Provide Language Services**

The City had contracts with six vendors available for language services in FY 2022-23. This increased to 11 in FY 2023-24. The vendors are available Citywide to help with services such as:

- In-person interpretation,
- Over-the-phone interpretation and video remote interpretation,
- Translation of written documents,
- Visually and hearing-impaired services,
- Braille and large print, and
- Video and audio dubbing.

In FY 2022-23, 18 City departments and offices spent about \$400,000 in total on language services from the City's vendors.<sup>7</sup> Most spending on language vendors was from the Housing Department, City Clerk's Office, Environmental Services Department, Office of Economic Development and Cultural Affairs, and the Police Department. The cost of these language services varies depending on the service provided.

### **The City Has Initiatives to Improve Customer Service**

The City has been making efforts to improve how it interacts with residents, customers, and businesses. Two areas where this is occurring are with the development of a Customer Service Vision and Standards and the work of the Office of Racial Equity.

#### *Customer Service Vision and Standards*

In 2022, the City Manager's Office (CMO) in partnership with a consultant, conducted an assessment of person-to-person customer service for residents and businesses. This testing included mystery shopping scenarios, observations of front desk and call centers, phone testing, and intercept interviews with individuals across the City.

This work found an opportunity for the City to improve customer experiences with focus on people, process, and technology. A list of areas for improvement was developed, with specific action items that could help address customer service

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<sup>6</sup> The bilingual pay rate is agreed upon between the City and its bargaining units. It may vary from unit to unit.

<sup>7</sup> This figure is the spending based on the Office of Communications' list of language vendors. Departments may have used other contracts for language services.

needs.<sup>8</sup> The CMO is also developing trainings to help onboard staff who interact with the public. These include trainings focused on the Customer Service Vision and Standards, a Customer Conversation Guide, and inclusive and accessible customer service.

Language is incorporated into these training sessions. For instance, in the Customer Service Vision and Standards training, it educates staff to manage communication barriers for those with limited English usage. The training notes:

*Staff could practice using the city's language access tools, familiar[ize] themselves with bilingual staff in their department, and identify what common webpages and other materials should be translated to assist customers whose primary language isn't English.*

At the time of the audit, additional language access trainings were being developed.

#### *Racial Equity Tools*

Language accessibility helps ensure that the City is responsive and promotes racial equity. The Office of Racial Equity has created different guides that departments may use to ensure that it keeps its diverse customers, residents, and businesses in mind when engaging with the community.<sup>9</sup>

- The **Racial Equity Action Plan** is a template that serves as a place for City departments to outline goals and programs that advance racial equity within its workforce and services.
- The **Racial Equity Impact Assessment Guide** serves as a tool for City staff to utilize for sample questions, examples, and key information to consider racial equity into programs and policies.
- The **Budgeting for Equity Template** is a guide for departments to identify resources to further their equity work. It incorporates principles such as how to focus on impact, establish accountability, and use data to budget for equity.

Some departments have begun to use these tools to incorporate language considerations when developing programs or conducting outreach. For example, in 2023, the Planning, Building and Code Enforcement Department's Racial Equity Action Plan identified the need to train all staff on how to access language interpretation services both during onboarding and annually as a refresher. Additionally, the Fire Department's Racial Equity Action Plan identified the need

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<sup>8</sup> Progress has been made in some of these areas, such as adding a hold message in Spanish to the San José 3-1-1 (SJ311) phone tree and implementing an automated message to alert callers when they are being transferred from SJ311 to a City department.

<sup>9</sup> More information about the City's efforts to integrate racial equity into its operations can be found online at: [www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/racial-equity/racial-equity-resources/applying-racial-equity](http://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/racial-equity/racial-equity-resources/applying-racial-equity).

to assess community demographics, such as language and race, to incorporate into their hiring process.

# Finding I      **Departments Have Made Some Progress on Addressing Language Accessibility, But Additional Work Remains**

## Summary

All City services reviewed during the audit had made some progress in implementing aspects of the City’s Language Equity Policy and Guidelines. We did note that departments varied in the extent they addressed the policy’s requirements and best practices. There were also common areas for improvement, such as addressing language access at common points of contact with customers. These include phone trees, information posted on the City’s website, or in-person at City sites. We recommend the Administration begin monitoring language accessibility in these areas to ensure departments are meeting the City’s Customer Service Vision and Standards. We also recommend requiring departments who provide direct customer service to designate a Language Access Coordinator and develop formal Language Access Plans. Lastly, the Administration should provide additional guidance and resources to support departmental efforts, as well as create and track performance metrics to gauge progress toward language equity.

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## **A Review of Five Services Indicates Varying Levels of Implementation of the Language Equity Policy and Guidelines**

Among reviewed services, there was variation in the extent to which the policy requirements and best practices had been addressed. However, all had made some progress in implementing aspects of the Language Equity Policy and Guidelines. Some examples of this include:

- The Energy Department translates its documents and communications to the public. They also have access to data on how many customers call them in Spanish and Vietnamese.
- The Library Department translates its key flyers and

We reviewed five City services to understand how aspects of the Language Equity Policy and Guidelines have been implemented and identify common areas where progress is still to be made. These included:

1. Energy Department
2. Library Department
3. Fire and Medical Emergency Response Services (Fire Department)
4. Animal Care and Services (Public Works Department)
5. Parking Garages and Citations (Department of Transportation)

Detailed selection criteria are included in Appendix A.

forms. They also have multilingual signage and checkout machines with about 50 languages. Library bilingual staff regularly serve visitors in their respective languages.

- The Fire Department's Bureau of Field Operations has procedures to identify fire stations with high multilingual needs and encourages firefighters to bid for assignment at those stations. They also track which languages are encountered in the data collected from each incident response, and how the need was met.
- The Public Works Department's Animal Care and Services has multilingual signage at the Animal Care Center.
- The Department of Transportation's parking team, through its contracted vendor for managing citations, has access to data on how many phone calls they receive from Spanish and Vietnamese-speaking customers.

In addition, some staff have received language training from the City Manager's Office of Communications. Exhibit 6 shows the variability of how departments have incorporated elements of the Language Equity Policy and Guidelines into the reviewed services.



## Exhibit 6: Departments Have Made Progress in Incorporating Language Equity Policy Best Practices Into Services

Core Services*	Examples of Language Best Practices Implemented	Area for Growth
<p><b>Energy Department</b></p> <ul style="list-style-type: none"> <li>• Provide programs about renewable energy and local energy efficiency</li> <li>• Educate / communicate effectively with customers, public, and media</li> <li>• Provide cleaner energy options</li> </ul>	<ul style="list-style-type: none"> <li>✓ Phone tree available in Spanish and Vietnamese</li> <li>✓ Consistent translation of vital documents and communications into Spanish and Vietnamese</li> <li>• Large banner at customer service meeting point including Spanish, Vietnamese, and Chinese text</li> <li>• Access to call data for how many Spanish and Vietnamese-speaking customers contact them</li> <li>• Website auto-translated, includes microsites translated into Spanish and Vietnamese (one button translates text into that language across all pages of the site)</li> </ul>	<ul style="list-style-type: none"> <li>– Making phone tree available in Chinese</li> <li>• Incorporating Chinese into other department language access efforts, including notices provided to customers</li> </ul>
<p><b>Library Department</b></p> <ul style="list-style-type: none"> <li>• Link customers to books, videos, digital media, other information resources</li> <li>• Provide programs to promote reading, literacy, and learning for all ages and support school readiness and success</li> </ul>	<ul style="list-style-type: none"> <li>✓ Consistent translation of vital documents and communications into Spanish, Vietnamese, and Chinese</li> <li>• Multilingual signage and flyers at library branches</li> <li>• Collected data about customer service frequency in non-English languages; demographic data used to promote equity at branches with different needs</li> <li>• Website auto-translated, includes live chat feature where bilingual staff are available to respond to non-English inquiries</li> <li>• Regularly utilize over-the-phone interpretation for multilingual customer service</li> </ul>	<ul style="list-style-type: none"> <li>– Making phone trees available in all three required languages</li> </ul>
<p><b>Parking Garages and Citations</b></p> <ul style="list-style-type: none"> <li>• Provide well-maintained and operated on-street and off-street parking facilities to the public</li> <li>• Implement effective policies and regulations; encourage compliance with State and local</li> </ul>	<ul style="list-style-type: none"> <li>✓ Two of three phone trees are available in Spanish and Vietnamese</li> <li>• Access to call data for how many Spanish and Vietnamese-speaking customers contact them</li> <li>• City-operated website auto-translated (the vendor-operated website is not fully auto-translatable)</li> </ul>	<ul style="list-style-type: none"> <li>– Making phone trees available in Chinese</li> <li>• Attaining full translation of vital documents</li> <li>• Adding multilingual signage at garages and vendor-operated points of customer service</li> <li>• Ensuring vendor-operated website can be fully auto-translated</li> </ul>
<p><b>Animal Care and Services</b></p> <ul style="list-style-type: none"> <li>• Promote and protect the health, safety, and welfare of animals and people in the City</li> </ul>	<ul style="list-style-type: none"> <li>✓ Multilingual signage at animal shelter entrance to direct visitors, signs to view adoptable pets online, and a poster indicating that interpretation is available</li> <li>• Website mostly auto-translated except for adoptable pets page</li> <li>• Regularly utilize over-the-phone interpretation for multilingual customer service</li> </ul>	<ul style="list-style-type: none"> <li>– Making phone trees available in all three required languages</li> <li>• Attaining full translation of vital documents</li> <li>• Explore opportunities to assess language needs and improve multilingual customer service</li> </ul>
<p><b>Fire and Medical Emergency Response Services</b></p> <ul style="list-style-type: none"> <li>• Provide comprehensive life safety services to residents and visitors by responding to emergencies across San José and unincorporated Santa Clara County</li> </ul>	<ul style="list-style-type: none"> <li>✓ Collection of data regarding when language needs were encountered during emergency response and how the need was met</li> <li>• Data-driven identification of high-need fire stations, with efforts to ensure bilingual staff coverage on each shift</li> <li>• Website auto-translated</li> <li>• Section of policies and procedures dedicated to language accessibility</li> </ul>	<ul style="list-style-type: none"> <li>– Explore self-identification of languages spoken by bilingual staff (for example using "I Speak" cards)</li> </ul>

Source: Auditor summary of data provided by departments, interviews, observations, review of documents, and phone testing.

\* Core services are included to describe the main functions of each service; language access is integrated into some portions of each function. We may not have reviewed all aspects of each core service. For example, we did not review Library programs that promote reading, literacy, and learning. We focused on the experience of customers visiting libraries and accessing the Library website. We also did not review Fire communications, but focused on the Fire emergency services in the field.

**Service Can Be Improved by Addressing Language Access at Common Points of Contact with Customers**

Depending on how a community member receives services from the City, it can vary in how well they may be able to find information, or speak with individuals, in their needed language. Common points of entry or sources of information about City services include over the phone, through information posted on the City’s website, or in-person at City sites. In each of these areas, the City can better ensure departments are meeting the requirements or goals of the Language Equity Policy and Guidelines. This will also help the City better meet its Customer Service Vision and Standards.

**Further Translation of Phone Trees is a Common Area for Improvement**

Although some reviewed services have phone trees available in Spanish and Vietnamese, there were no phone tree instructions available in Chinese. Out of the seven phone trees tested across four services, three were available in Spanish, three were available in Vietnamese, and none were available in Chinese. The remaining four phone trees were only available in English.

For the Spanish-translated phone trees, three of them led to a customer service representative who spoke Spanish. For the Vietnamese-translated phone trees, all led to a customer service representative who spoke English. In one instance, the customer service representative asked if a Vietnamese interpreter was needed.

**Exhibit 7: Though Some Departments Have Phone Trees in Spanish and Vietnamese, There Were no Phone Trees Available in Chinese**

	<b>Energy Department</b>	<b>Library Department</b>	<b>Parking Garages and Citations (Department of Transportation)</b>	<b>Animal Care and Services (Public Works Department)</b>
Numbers Tested	1	2	3	1
Phone Tree Offering Languages Other Than English	Spanish and Vietnamese. None in Chinese.	None	2 in Spanish and Vietnamese. None in Chinese.	None
If Phone Tree Was Offered in Other Languages, It Led to Customer Service in Corresponding Language	Yes, in both Spanish and Vietnamese. None in Chinese.	--	Yes, in Spanish. None in Vietnamese or Chinese.	--

Source: Auditor summary of phone tree call testing.

Note: Fire and Medical Emergency Response Services was not included in the phone testing sample as the only phone number for the public is the emergency number associated with 9-1-1. Fire and Medical Emergency Response Services relies upon phone interpretation lines provided under the state’s contract for all of California’s Public Safety Answering Points.

The City's Language Equity Policy and Guidelines covers phone trees and the languages that they should be provided in. The policy states the following:

*City departments using telephone trees shall ensure that instructions are available in Spanish, Vietnamese, and Chinese (Cantonese and Mandarin) on telephone menus. The telephone shall be set up with brief announcements and a reasonable number of options, making information clearer and more understandable. It is recommended that City departments regularly review their telephone trees and make changes as needed.*

Having multilingual phone trees can allow callers whose primary language is not English receive accurate information about City services and reduce barriers to receive assistance.

### **Not All Departments Have a Comprehensive Process to Translate Vital Documents**

Not all departments have a process to translate vital documents, which are defined in the policy as “essential in order for persons to receive, benefit, or participate meaningfully in City programs and services”. The Language Equity Policy and Guidelines requires departments to identify and prioritize which written communications should be translated. However, it notes that each department should exercise discretion when creating this process of identifying and prioritizing vital documents for translation.

Lack of translations can potentially create a barrier for non-English and limited English speaking community members. For example:

- Most of Animal Care and Services documents, online and in-person, were not translated. Some of their documents include forms for adopting or licensing animals, notices issued by Animal Control Officers, stray animal forms, and surgery release instructions.<sup>10</sup>
- Parking services has few documents that are translated into all languages. This includes documents such as parking citations only being available in English,<sup>11</sup> and a hardship waiver request form was not available in Vietnamese or Chinese.<sup>12</sup> Additionally, the vendors' websites for citations

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<sup>10</sup> During the audit, the Animal Care and Services division identified multiple documents to begin the process of translating.

<sup>11</sup> There may be limitations on how much text can be translated for certain documents such as parking citations due to legal reasons and space constraints on the hard copies.

<sup>12</sup> During the audit, we notified the Department of an issue with the Spanish link for the hardship waiver opening to an English-only version. The Department has since updated the link to open to the correct Spanish version. Other languages are not currently offered.

and parking permits were not consistently translated into Spanish, Vietnamese, and Chinese.

In contrast, the Energy and Library Departments consistently translate most of their general use communications, including newsletters, mailers, application forms, and discount information. The Energy and Library Departments regularly use the City’s professional translation vendors, and Library’s bilingual staff review materials to ensure accuracy.

“**Transcreation** is quality translation which combines the process of adapting a written message from one language to another, while maintaining its linguistic style and rendering it in a culturally appropriate manner.” [emphasis added]  
- Language Equity Policy and Guidelines.

The Energy Department also goes beyond direct translation of documents in some cases and adjusts the material to be as culturally appropriate as possible. This process is referred to as transcreation. The Energy Department has contracts with two community-based organizations who assist them with Spanish and Vietnamese transcreation and community outreach. One example of this was to promote an electricity bill assistance program to Spanish and Vietnamese-speaking community members.

Residents, visitors, and businesses use documents to gain access to information about City services. Without translating this content, individuals with limited English proficiency may not be able to adequately receive benefits from or participate in such services.

### The City Has Made Progress on Having Signage in Multiple Languages but Can Make More Spaces Accessible

The City has made progress on having signage in languages identified in the Language Equity Policy and Guidelines.

The Animal Care Center has multilingual signs informing visitors of where to go for help when entering the facility. Additionally, it has signs throughout the facility in English, Spanish, Vietnamese, and Chinese on how to view adoptable animals online, as shown in Exhibit 8.

The Energy Department has a sign instructing customers how to

Exhibit 8: Sign to Adopt Dogs at the Animal Care Center



Source: Photo from Auditor site visit at the Animal Care Center.

receive help paying their energy bill displayed at its customer meeting point at City Hall.<sup>13</sup>

City libraries identify what common languages and needs are at various library branches. Depending on the needs of the community, the branch works to include content and signs in those languages to help the community engage with Library services. For example, the Biblioteca Latinoamericana branch serves a predominantly Spanish-speaking population. As such, the Library has made efforts to include signage specifically in Spanish, as shown in Exhibit 9.

### Exhibit 9: Signs Translated into Spanish at Biblioteca Latinoamericana



Source: Photos from Auditor site visits at Biblioteca Latinoamericana.

However, some spaces in the City can be more accessible by having signage in different languages. For example, City Hall signage informing visitors of department floor locations was only available in English. While parking garage pay stations appear that they would have the capability to have translations, they were only in English. Additionally, there is an open recommendation from the 2020 Audit of Park Maintenance regarding the assessment of language access needs at City parks in areas with higher concentrations of limited-English speaking households.<sup>14</sup>

<sup>13</sup> Over the course of this audit, the sign was replaced to add Chinese.

<sup>14</sup> As of December 31, 2023, the Parks, Recreation and Neighborhood Services Department (PRNS) reported that it is evaluating budget proposals for replacing signage in areas with high concentration of limited English-speaking households as part of the FY 2024-25 budget development process.

**Addressing Language Access at Common Points of Contact with Residents Can Help the City Achieve its Customer Service Vision**

Among the City's Customer Service Vision and Standards are supporting a consistent and accessible experience for all customers and continuing to improve customer service through people, processes, and technologies.

Addressing language access and more fully incorporating the Language Equity Policy and Guidelines into common points of contact with residents can help the City achieve its Customer Service Vision and Standards. To continually improve, there should be a mechanism to monitor where the City is making progress and where it is not meeting the Vision.

**Recommendation:**

- I: To ensure continued progress in meeting the City's Customer Service Vision and Standards, the Administration should develop mechanisms and procedures to monitor language accessibility of common points of customer contact across departments, including phone trees, translations of vital documents, and signage posted at City facilities.**

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**Departments Can Better Serve the Needs of Residents by Designating Language Access Coordinators and Establishing Language Access Plans**

At the time of the audit, there were no formal Language Access Coordinators within the reviewed departments who are accountable for departmental efforts around language equity. The Language Equity Policy and Guidelines recommends that each department appoint a Language Access Coordinator. Key responsibilities for the role outlined in the policy include:

- Informing new staff about the language access services offered by the City.
- Responding to inquiries regarding contracted vendor use and soliciting staff feedback on their work.
- Coordinating internal review of translated materials for accuracy and cultural appropriateness.

Some individuals in departments fulfill aspects of this role. For example, in the Energy Department, one staff member took the initiative to help manage translation projects with a vendor. Additionally, some staff in the Library fulfill responsibilities such as liaising with an interpretation vendor and overseeing translations.

By having an established Language Access Coordinator who liaises with the Citywide Language Access Manager and coordinates department efforts around

language equity, the City can ensure more consistent language procedures and optimize staff training.

### **Training and Resources Would Benefit Language Access Coordinators**

The City offers periodic trainings on language access and cultural responsiveness. There was variation across reviewed services in how many staff completed the training in FY 2022-23. For example, there were 49 trainees from Library and 11 trainees or less from each of the other four reviewed services. New trainings are being created by the Administration for use when onboarding customer-facing staff. These trainings are based on the Language Equity Policy and Guidelines and are expected to include an introduction to the City's various language resources.

However, the role of a Language Access Coordinator calls for more responsibilities and specific trainings for these designated staff would help them fulfill those responsibilities. As the City further embeds language equity, the preparedness of departmental coordinators to perform tasks such as overseeing internal review of translated documents, managing contracted vendor usage, and liaising with the Citywide Language Access Manager is important. There may also be specific areas of language accessibility which departments are actively seeking to improve, such as the vital documents and phone trees previously mentioned. Having guidance or resources in these areas would also ensure Language Access Coordinators have the tools they need to be successful.

### **Language Access Plans Provide Strategic Direction to Departments in Ensuring Language Equity Across Their Programs and Services**

Language Access Plans specify steps and resources that aim to help a department ensure inclusivity throughout their programs and services. None of the five reviewed departments have formal language access plans.

The Fire Department's policies and procedures outline how they plan to accomplish their **vision of having at least one certified bilingual employee** on each of the three shifts at all 34 fire stations in the City.

Like informal language access coordinators, some reviewed departments have taken steps to plan for language accessibility absent a formal language access plan. For example, the Fire Department has a section of their policies and procedures dedicated to language access which identifies high-need stations where bilingual staff are

encouraged to bid for assignment. The high-need stations are partially determined using incident data of how often language needs are encountered in each station area. Additionally, Fire's policy outlines what actions the Department will take during emergencies when encountering language needs without the corresponding bilingual staff available.

Other City departments, including the Police Department and Housing Department, have established their own language access plans.<sup>15</sup> These include elements such as:

- Job expectations and duties for multilingual staff as well as their managers.
- Procedures for verbal, written, and visual communication.
- Training requirements for all staff in the department.
- Instructions on how to access language services when in the field (e.g., interpretation services).

Although City policy does not explicitly require Language Access Plans, the policy does assign many responsibilities to departments to meet the language needs of the San José community. Having formal plans can serve as a reference for how to achieve language equity within individual departments. This can include content about relevant populations of limited or non-English speaking customers, how best to allocate funds for language services, training on language services, and how or where to prioritize bilingual staffing.

Having Language Access Plans can also help inform budget decisions by identifying needs and allocating funds for different language services. The cost of language related services can vary depending on the type of service obtained. The Energy Department estimated an annual budget of \$35,000 per year for written translation, transcreation, and community outreach services. Other services, such as live interpretation at meetings, can be more expensive. Additionally, acquiring different materials in alternative languages is built within budgets. The Library Department budgeted over \$340,000 in FY 2023-24 for resources in other languages including books, DVDs, eBooks, and other media.<sup>16</sup>

### *Other Jurisdictions Utilize Language Access Plans*

Other jurisdictions require language access plans for their departments.<sup>17</sup>

- **City and County of San Francisco:** San Francisco's Language Access Ordinance requires departments designate a language access liaison; develop, adopt, and implement a department-specific language access policy; and determine departmental language needs and budget for them.<sup>18</sup>
- **City of Los Angeles:** All city departments were required to improve language accessibility through a 2021 Executive Order. Among the

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<sup>15</sup> The Housing Department is required to develop a Language Access Plan as part of U.S. Department of Housing and Urban Development, Title VI requirements.

<sup>16</sup> In FY 2022-23, the Library Department had a total of 368,700 items in languages other than English. This includes 111,300 items in Spanish, 85,500 items in Chinese, and 70,900 in Vietnamese.

<sup>17</sup> Jurisdictions vary in capacity and services provided. These jurisdictions were reviewed for their language procedures.

<sup>18</sup> San Francisco's ordinance also requires annual compliance reports. These are available at [www.sf.gov/languageaccess](http://www.sf.gov/languageaccess).



requirements, it directed departments to develop department-specific language access plans, designate language access liaisons in each city department, and regularly report language access data to the citywide coordinator.

- **City of Philadelphia:** Language access plans are required of all city agencies. Each plan includes information on bilingual staff, translations, interpretation, training of all staff, how to submit grievances, and more.<sup>19</sup>

Incorporating language considerations into strategic planning for programs and services can help make it easier for departments to ensure accessibility. Establishing a Language Access Plan is a way for departments to centralize all their existing procedures and identify gaps to inform future efforts.

#### **Recommendations:**

- 2: The Administration should require departments that regularly provide direct customer service to residents or businesses designate Language Access Coordinator(s) who fulfill the responsibilities outlined in the Language Equity Policy and Guidelines. This may require an update to the policy.**
- 3: To effectively support staff in fulfilling their roles, the Office of Communications should develop a Language Access Coordinator training and resources to share with coordinators.**
- 4: To ensure departments incorporate language considerations into their services, the Administration should require departmental Language Access Plans for either customer facing departments or all departments, as appropriate. This may require an update to the Language Equity Policy and Guidelines.**
- 5: The Office of Communications should develop and distribute a template for Language Access Plans which at a minimum asks departments to address:**
  - **Procedures for addressing language accessibility in verbal, written, and visual communication,**
  - **Identifying customer-facing positions for requiring language access training, and**
  - **Procedures for identifying necessary resources for language services.**

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<sup>19</sup> Philadelphia posts their plans publicly: [www.phila.gov/documents/language-access-plans/](http://www.phila.gov/documents/language-access-plans/).

**The Administration Can Provide Additional Guidance to Assist Departments and Better Clarify Language Access Priorities and Expectations**

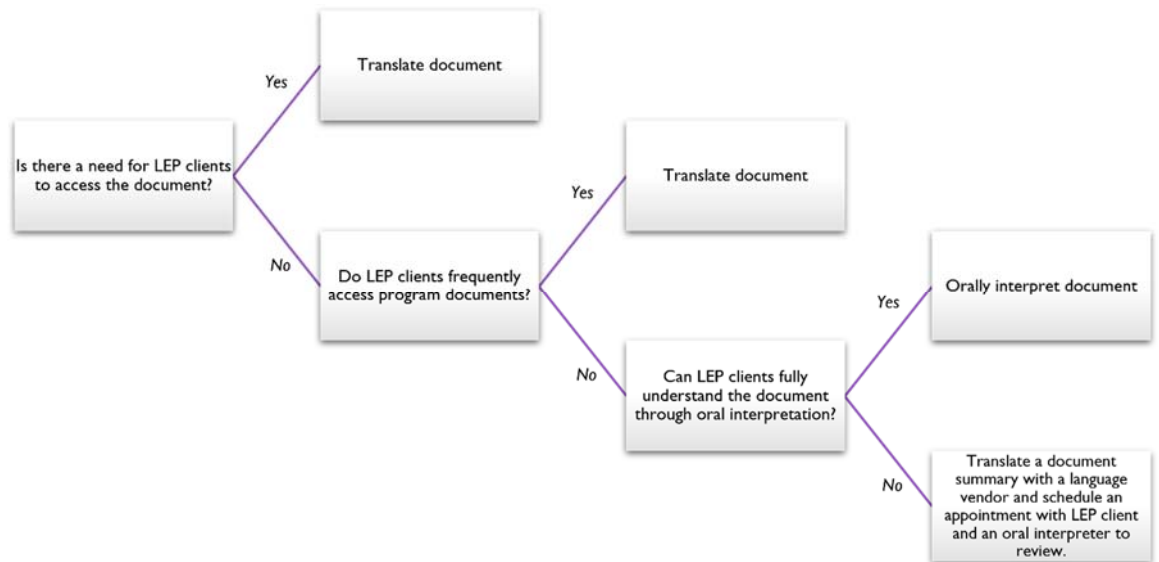
As noted, reviewed departments have made progress on many elements of the Language Equity Policy and Guidelines. In other areas, additional guidance or resources can help departments implement key elements of the policy.

**The Administration Can Help Departments Identify and Prioritize Documents for Translation**

As previously stated, not all departments had translated key documents for their customers. Some staff were not sure how to determine which documents to translate and needed guidance on how to get started. The Language Equity Policy and Guidelines requires that vital documents be translated, however it states that each department should exercise its discretion in creating a process for identifying and prioritizing vital documents to translate.

Priority for vital documents depends on the importance of the program, information, or service involved as determined by the department; and the number of customers seeking that service who speak or read a particular language. The Housing Department’s Language Access Plan provides guidance for their staff on when to translate a document, as shown in Exhibit 10.

**Exhibit 10: Identifying Documents to Translate, Adapted from the Housing Department Language Access Plan<sup>20</sup>**



Source: Auditor analysis of the Housing Department Language Access Plan (2023). LEP stands for Limited English Proficient.

<sup>20</sup> The Housing Department’s Language Access Plan noted that because staff may need to consider additional factors, their decision-making process may not always mirror the flow chart exactly.

The Administration can aid departments by providing similar guidance on how to identify vital documents for translation and ensure accessibility of information on their programs and services.

*The City is Beginning to Use Technology to Translate Content*

The City is leveraging the benefits of Artificial Intelligence (AI) to improve the delivery of information to residents.<sup>21</sup> AI is the idea of having a machine do something one might expect a human to do using algorithms, which combine math and logical rules to handle tasks such as translating languages and voice recognition.

At the time of the audit, staff report using technology to help with translating content or situations where alternatives are not available. For instance, the Energy Department uses Google Auto Machine Learning (AutoML) to train the website to be more accurate and culturally appropriate than standard Google Translate options.

Some departments have worked on creating glossaries of specialized terms to ensure cultural appropriateness of auto-translated and vendor-translated documents. The City can continue to review AI systems that specialize in language translation and voice recognition as the technology improves.

**Contracts Should Include Standard Terms for Language Equity**

Not all contracts include provisions requiring City vendors to provide access to services in other languages. For example, the vendor who manages the website where residents pay parking citations is required to translate some content into Spanish and Vietnamese, but translation is not required on all platforms.<sup>22</sup> Also, in-person frequently asked questions (FAQs) are required to have Spanish and Vietnamese translations. However, the agreement does not require translation of the FAQs on the website where individuals are paying the citations.

The Language Equity Policy and Guidelines provides guidance that departments should ensure that language access is considered when contracting with vendors. It states:

*Departments responsible for contracting with vendors that will be providing services to the public should include the requirement of the vendor to comply with the City's Language Access Policy, where appropriate.*

The City Attorney's Office is in the process of developing standard language for agreements with recipients of City grants. This includes following Language Access Plans, where applicable. However, this is not yet adapted into contracts with

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<sup>21</sup> More information about the City's use of AI can be viewed online at: [www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy/ai-reviews-algorithm-register](http://www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy/ai-reviews-algorithm-register)

<sup>22</sup> Additionally, Chinese is not specified in the agreement as a required language.

vendors or consultants who provide City-funded services. City contracts should have language to ensure vendors follow the Language Equity Policy and Guidelines. This can help provide consistent and equitable service of City services regardless of whether or not they are provided by the City directly.

### **Incorporating Language into Racial Equity Tools**

The Office of Racial Equity has developed different guides and tools to help City departments incorporate equity when planning their programs and policies, budgeting for resources, and in assessing potential racial equity impacts when engaging the community. As noted in the Language Equity Policy and Guidelines:

*The City recognizes that language equity is one of the key components of both racial equity and social justice. Hence, the City is committed to embedding language access practices in its operations by providing access to timely, quality language assistance for limited and/or non-English speakers, who are seeking or needing to access City programs, services, information and civic processes.*

According to the Office of Racial Equity, while some departments have incorporated language considerations into how they address equity when utilizing their tools, it is not always the case. The Office should update its tools and guides to specifically require departments to determine how it will address language needs when interacting with the public.

The Administration can help support City Departments and staff by developing and updating templates and guidance. This includes for translation of vital documents, contracts with outside vendors and consultants who provide City services, and within racial equity resources.

### **Recommendations:**

- 6: To ensure vital documents are accessible to residents and businesses, the Office of Communications should:**
- A. Develop guidance on identifying, prioritizing, and translating vital documents and distribute this guidance to City departments.**
  - B. Explore expanding the City's use of translation technologies where culturally appropriate translations could be achieved.**

**This may require consultation with the City Attorney's Office.**

- 7: To ensure City vendors and consultants provide language services to San José residents and customers, the Administration and the City Attorney's Office should develop standard contract terms that align with the Language Equity Policy and Guidelines.**

- 8: To ensure that language equity is intentionally incorporated into departmental considerations, the Office of Racial Equity should update relevant guides and tools to include considerations for language access. This may require consultation with the Office of Communications.**

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### **Periodic Review and Performance Monitoring Can Promote Improvement Over Time**

There are no formal performance metrics to gauge the City's language equity progress, neither Citywide nor within the reviewed services. The City has begun tracking the number of staff who completed language access trainings each fiscal year. However, the Administration has opportunities to better track Citywide progress for efforts which are already underway or may be newly implemented going forward. For example, performance metrics could include the number of departments who have achieved a certain equity or accessibility standard, such as translating all their vital documents or making their phone trees multilingual. Performance could also encompass bilingual staffing levels for languages identified as high-need for the City.

Other jurisdictions conduct annual reviews of their performance around language accessibility. For example, San Francisco prepares an annual report about department compliance with their Language Access Ordinance. As part of this report, they collect information on department budgets for language access, the status of whether departments have developed a language access policy, trainings for public contact staff, and the completion of mandatory language trainings for each department. They also collect data on language needs and limited English proficient individuals in San Francisco city/county-wide. Additionally, a coalition of seven community-based organizations conducts spot checks of departments throughout the year.<sup>23</sup> Through the spot checks, organizations rate their experiences interacting with departments in multiple languages.

To measure progress moving forward, the Administration should define its language equity goals, and develop a system to periodically review and monitor language access performance.

#### **Recommendation:**

- #9: To ensure continued progress towards equitable language access for City services, the Administration should better define its language equity goals, and develop performance metrics and a system to monitor performance.**

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<sup>23</sup> This work is funded by the San Francisco Office of Civic Engagement & Immigrant Affairs.

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## **Finding 2 Bilingual Staff Are a Resource to the City, Though Clarity on Their Role is Needed**

### **Summary**

There were nearly 900 certified bilingual staff in the City as of June 2023. Bilingual staff play a critical role in helping residents access City services and resources in languages that they understand. The Administration should clarify the roles and expectations for bilingual staff as more than half of respondents to an Auditor-conducted survey noted that bilingual duties impacted their regular workload. Some bilingual staff also shared that they have had to act as interpreters, which is not something City bilingual staff may be qualified to do. Clarification of roles and expectations, as well as relying on outside vendors where appropriate, could help balance workload. Additionally, while over the course of the audit the Administration improved the bilingual certification process, the Human Resources Department should work with departments to reconcile certification records for some bilingual staff.

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### **Bilingual Staff Support Individuals with Language Needs to Participate in City Services**

Bilingual staff play an essential role in providing direct language services to individuals whose primary language is not English. Their work goes beyond informing individuals about City services; bilingual staff support the community by being a resource to them. This includes helping people during medical emergencies, providing programs about becoming U.S. citizens, and disseminating information about public events. Many City staff are certified bilingual and perform different functions, including firefighters, librarians, police officers, park rangers, and others. Certified bilingual staff who participated in an Auditor-conducted survey and focus groups shared that they generally find their work fulfilling by helping individuals feel comfortable approaching and interacting with them.

### **Bilingual Staff Are Critical in Ensuring the Community Receives Access to City Services and Understand Documents**

One of the most common ways that bilingual staff are using their language skills is through providing direct services to community members. In instances observed through the audit, customers at local libraries received help in a wide array of activities including establishing a library card, checking out library books in other languages, and attending citizenship classes. Staff explained how individuals may feel more comfortable sharing information with someone who speaks their language.

Certified bilingual staff also assist in translating material that inform the public about meetings or community events. Translated material also informed the public of information during the COVID-19 pandemic, such as materials related to vaccinations or the eviction moratorium. Additionally, certified bilingual staff assist in other community-based outreach for different programs and services. Exhibit 11 is an example of a flier translated by certified bilingual staff.

**Exhibit 11: Example of Translated Flyers by Certified Bilingual Staff**



Source: Flyers provided by certified bilingual staff.

The work that certified bilingual staff do at times goes beyond providing information about City services. Bilingual staff help community members understand their bills, apply for a new business, or enroll in English classes. Bilingual staff in the Library noted helping individuals who may need help with technology or reading an email. Certified bilingual staff have shared that they have gathered information from people who are experiencing a medical emergency and share that information to staff who may not speak that language.

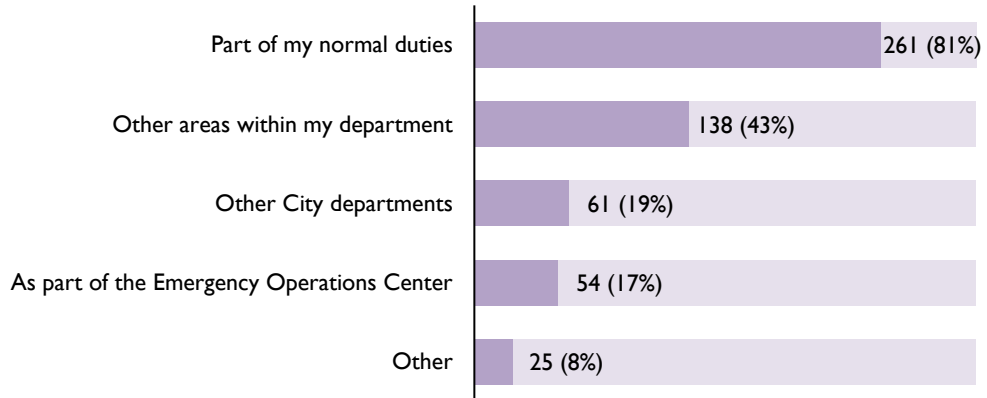
*Most Certified Bilingual Staff have Positive Views of the Roles They Play in Providing Services to the Community*

In the survey conducted of certified bilingual staff, individuals shared that it is a rewarding experience to help individuals with language needs. They help build connections with the community who may reach out to them specifically since they know they are able to help them. Bilingual staff noted that when they provide services in a resident's preferred language, it can help reduce the resident's stress and make them feel more comfortable interacting with the City. Most certified bilingual staff reported having positive views of the work that they do to provide language access in the City's programs and services. This is shown in Exhibit 12, based on their survey responses.





**Exhibit 13: Bilingual Staff Assist Individuals in Several City Areas**



Source: Auditor analysis of responses to the question “Select the areas of the City in which you provide your bilingual services [select all that apply].”

Note: These categories are not mutually exclusive.

Some staff noted that they are at times pulled away from their normal duties to help individuals who speak other languages.

*“Being the only certified Spanish speaker requires me to pause regular duties to help my piers [sic] with any Spanish speaking patron.”*

Certified bilingual staff also receive requests to help outside of their department. There are two separate lists maintained in the City’s Human Resource Management System. These lists are used by departments to call upon bilingual staff to translate material, review translated material, or assist individuals whose primarily language is not English.<sup>24</sup>

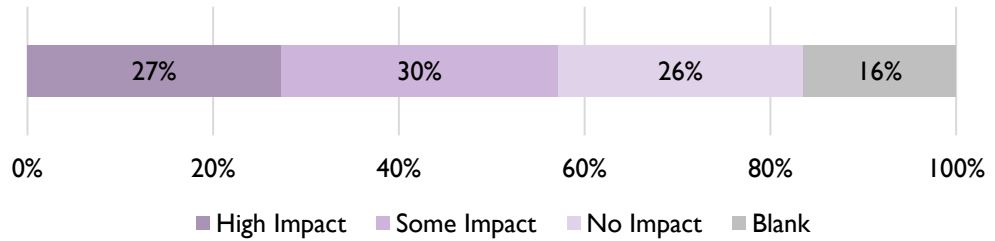
- **Bilingual Pay List:** This list includes everyone who is both certified as a bilingual employee (oral, written, or both) and is currently receiving bilingual premium pay.
- **Active Certified Bilingual Staff List:** This list includes all active City staff who are certified bilingual (oral, written, or both). It does not distinguish whether a person is currently receiving bilingual premium pay or not.

Some other staff who are bilingual have expressed apprehension about getting certified due to the unknown expectations and workload that would result in becoming certified. City staff noted that if they knew someone spoke or read a language, they would ask for their assistance, regardless of knowing whether they were certified or currently receiving bilingual pay.

<sup>24</sup> As of June 2023, the active certified bilingual staff list had nearly 900 certified bilingual staff while the bilingual pay list had nearly 750 certified bilingual staff. This number has since increased.

Bilingual staff reported that their workload is impacted by their bilingual duties. In the certified bilingual staff survey, 57 percent of respondents noted an increase to their workload, with over a quarter saying their bilingual duties had a “high impact” on their workload.

**Exhibit 14: More than Half of Respondents Noted their Workload was Impacted as Certified Bilingual Staff**



Source: Auditor categorical analysis of responses to the question “How has the workload as a certified bilingual staff affected your regular duties and responsibilities?”

The Library Department has developed a method to help distribute the workload for bilingual staff. The Library uses an internal system for translation requests that are sent to bilingual library staff. If no one is available or the translations are too long, then the translations are sent to external vendors.

**Certified Bilingual Staff Have Provided Interpretation Services**

Certified bilingual staff are providing interpretation services despite it requiring a different skillset than they are certified to do. Staff shared that while interpreting may be necessary in a situation, it can also be a burden. For instance, interpretation could involve sensitive information, technical or legal language, or involve medical help.

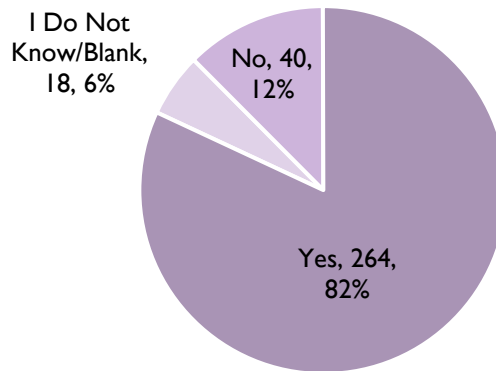
“Interpreting is a sophisticated skill needing practice and training and should not be confused with bilingualism.”  
 - Language Equity Policy and Guidelines.

During the audit, certified bilingual staff noted being called upon to be interpreters at administrative hearings, for other departments in the same building, and for emergency response situations. One certified bilingual staff person responded to the survey noting:

*“It does take a bit of time away from my regular workload, especially if there is research required on the subject. For example, interpreting another department or external agencies [sic] policies which are not part of my normal work scope.”*

Eighty-two percent of bilingual staff who participated in the survey reported having acted as an interpreter while working with the City. Exhibit 15 below shows responses from certified bilingual staff when asked if they have had to interpret.

**Exhibit 15: More than 80 Percent of Surveyed Certified Bilingual Staff Report Having to Interpret on the Job**



Source: Auditor analysis of responses to the question “Have you ever had to interpret what a community member was saying to another City staff? Interpretation is the act of listening to verbal communication in one language and orally converting it to another language, while retaining the same meaning.”

**Language Vendors are Intended to Provide Interpretation, Translation, and Other Language Accessibility Assistance**

As noted in the Background, the City contracts with different vendors that are intended to provide interpretation, translation, and other language services. Phone interpretation services, for instance, can help staff speak with individuals despite not speaking the same language. Posters, such as the one in Exhibit 16 at the Animal Care Center, is used to let the public know free interpretation is available to them. Where appropriate, departments should use these contracted vendors to provide language services and help balance workload among bilingual staff.

Having guidelines of when to contact bilingual staff and when to use third-party vendors can help balance workload. Additionally, clarifying the role of bilingual staff in the Language Equity Policy and Guidelines will ensure interpretation services are conducted by appropriately trained individuals.

**Exhibit 16: Interpretation Poster**



Source: Auditor photo from the Animal Care Center.

**Recommendations:**

- I0: To better balance the workload of bilingual staff, the Administration should clarify the purpose of the bilingual staff lists and develop guidelines for contacting bilingual staff or when to use external vendors.**
- I1: To provide clarity regarding how interpretation services are provided, the Administration should:**
- A. Update the Language Equity Policy and Guidelines to clarify expectations of bilingual staff regarding interpretation.**
  - B. Develop a service model for providing professional interpretation services, including guidance for use of external vendors and assessing the potential for in-house interpreters, where appropriate.**

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**The City Made Improvements to the Bilingual Pay Process, However Prior Records Should Be Reconciled**

During the audit, the Finance Department implemented a new process that streamlines the review and approval for bilingual pay. The new process uses an electronic form that centralizes document submission and approval in the City's Human Resource Management System. Previously, it involved either a physical or electronic copy of a request form to be filled out. The City requires all employees to complete a request form to receive bilingual pay, which needs department approval, and to pass a certification exam.

**Not All Bilingual Staff Had Certification Records on File, Potentially for Over 300 Certified Bilingual Staff**

While the process has improved, records before the transition to the City's current Human Resource Management System may not be maintained in personnel records with the Human Resource Department (HR). From a sample of certified bilingual staff, over a third (13 out of 35) did not have certification records on file with HR. All 13 were originally certified before 2013, which is when HR reported they migrated their data into the Human Resource Management System.<sup>25</sup> As of June 2023, over a third of bilingual staff (310 out of 894) on the active list of certified bilingual staff were certified before 2013. This potentially could mean that certification records could be missing for a third of bilingual staff.

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<sup>25</sup> One of the 13 bilingual staff received oral certification in 2001 and received written certification in 2020. HR did not have certification records on file for this individual.

In FY 2022-23, bilingual staff certified prior to 2013 received \$606,000 in bilingual pay. This is 39 percent of all bilingual pay in the fiscal year. Reconciling these records would ensure that staff have been certified and meet the minimum requirement for being a paid bilingual staff person.

**Recommendation:**

- 12: To ensure accurate information is available for certified bilingual staff, the Human Resources Department should work with City departments to reconcile bilingual certification records.**

# Conclusion

San José is a diverse city with over 57 percent of its residents report speaking a language other than English at home. To ensure that the City provides adequate services in languages that residents understand, the City has developed a Language Equity Policy and Guidelines. The City can improve its language equity efforts, by:

- Monitor common points of contact with customers, such as phone trees, documents on websites, and signage in City facilities;
- Requiring departments designate Language Access Coordinators and encourage them to develop formal Language Access Plans;
- Develop additional guidance and resources to assist departments;
- Create and monitor performance metrics to gauge progress toward the City's language equity goals.

The City's nearly 900 certified bilingual staff play a critical role in helping residents access City services. Clarifying expectations of bilingual staff and reconciling certification records is necessary to ensure work is equitable and appropriate.

## RECOMMENDATIONS

### **Finding 1: Departments Have Made Some Progress on Addressing Language Accessibility, But Additional Work Remains**

Recommendation #1: To ensure continued progress in meeting the City's Customer Service Vision and Standards, the Administration should develop mechanisms and procedures to monitor language accessibility of common points of customer contact across departments, including phone trees, translations of vital documents, and signage posted at City facilities.

Recommendation #2: The Administration should require departments that regularly provide direct customer service to residents or businesses designate Language Access Coordinator(s) who fulfill the responsibilities outlined in the Language Equity Policy and Guidelines. This may require an update to the policy.

Recommendation #3: To effectively support staff in fulfilling their roles, the Office of Communications should develop a Language Access Coordinator training and resources to share with coordinators.

Recommendation #4: To ensure departments incorporate language considerations into their services, the Administration should require departmental Language Access Plans for either customer facing departments or all departments, as appropriate. This may require an update to the Language Equity Policy and Guidelines.

Recommendation #5: The Office of Communications should develop and distribute a template for Language Access Plans which at a minimum asks departments to address:

- Procedures for addressing language accessibility in verbal, written, and visual communication,
- Identifying customer-facing positions for requiring language access training, and
- Procedures for identifying necessary resources for language services.

Recommendation #6: To ensure vital documents are accessible to residents and businesses, the Office of Communications should:

- A. Develop guidance on identifying, prioritizing, and translating vital documents and distribute this guidance to City departments.
- B. Explore expanding the City's use of translation technologies where culturally appropriate translations could be achieved.

This may require consultation with the City Attorney's Office.

Recommendation #7: To ensure City vendors and consultants provide language services to San José residents and customers, the Administration and the City Attorney's Office should develop standard contract terms that align with the Language Equity Policy and Guidelines.

Recommendation #8: To ensure that language equity is intentionally incorporated into departmental considerations, the Office of Racial Equity should update relevant guides and tools to include considerations for language access. This may require consultation with the Office of Communications.

Recommendation #9: To ensure continued progress towards equitable language access for City services, the Administration should better define its language equity goals, and develop performance metrics and a system to monitor performance.

**Finding 2: Bilingual Staff Are a Resource to the City, Though Clarity on Their Role is Needed**

Recommendation #10: To better balance the workload of bilingual staff, the Administration should clarify the purpose of the bilingual staff lists and develop guidelines for contacting bilingual staff or when to use external vendors.

Recommendation #11: To provide clarity regarding how interpretation services are provided, the Administration should:

- A. Update the Language Equity Policy and Guidelines to clarify expectations of bilingual staff regarding interpretation.
- B. Develop a service model for providing professional interpretation services, including guidance for use of external vendors and assessing the potential for in-house interpreters, where appropriate.

Recommendation #12: To ensure accurate information is available for certified bilingual staff, the Human Resources Department should work with City departments to reconcile bilingual certification records.



# APPENDIX A

## Audit Objective, Scope, and Methodology

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability, and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, effectiveness, and equity of City operations and services. In accordance with the City Auditor's Fiscal Year (FY) 2023-24 Work Plan, we have completed an audit of language accessibility.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The objective of our audit was to assess City communications for compliance with the City's Language Equity Policy and Guidelines [formerly the Language Access Policy]. We sought to understand the relevant internal controls over language accessibility within the City and have performed the following to achieve the audit objective:

- To understand current guidelines around language accessibility, we reviewed applicable federal and state laws and regulations including:
  - The Civil Rights Act of 1964 – Title VI, 42 U.S.C. Section 2000d
  - Executive Order 13666 – Improving Access to Services for Persons with Limited English Proficiency
  - California Dymally-Alatorre Bilingual Services Act
  - California Unruh Civil Rights Act
- Reviewed the following City policies and procedures pertaining to language accessibility:
  - Language Equity Policy and Guidelines (CPM §6.1.10);
  - Bilingual Pay (CPM §4.1.3);
  - CSJ Translations Standard Operating Procedure (SOP);
  - CSJ Interpretation Standard Operating Procedure (SOP); and
  - CSJ Phone Interpretation Standard Operating Procedure (SOP).
- To test compliance with the Language Equity Policy and Guidelines (CPM §6.1.10):
  - We selected a judgmental sample of five services to test for compliance. We considered the number of staff, modes of service delivery to the public, and whether they had been a part of recent audits covering language access to determine which departments we would include in the sample.
  - To better understand the progress made toward implementing the Language Equity Policy, we:

- Conducted interviews with staff and site visits of City and vendor-operated facilities,
  - Compiled lists of documents, noting whether translations were available,
  - Tested phone systems and online forms in multiple languages, and
  - Reviewed internal documents, such as budget documents and procedures.
- Analyzed expenditures related to language access vendors in the City's Financial Management System (FMS) for FY 2022-23.
- We reviewed the following two lists of bilingual staff that were retrieved from the City's Human Resource Management System:
  - Active certified bilingual staff list: We reviewed the active list of certified bilingual staff to determine the languages they are certified in, as well as the departments they are in. We used the list to select two samples of certified bilingual staff. The first sample consisted of 35 bilingual staff to review certification records. The second sample consisted of 24 bilingual staff to review translated material for compliance with City policy.
  - Bilingual pay list: We reviewed the bilingual pay list of certified bilingual staff to conduct a reliability assessment and confirm that bilingual staff receiving pay were also on the active list.
- Conducted a survey of certified bilingual staff to learn about their perception of work, language vendor awareness, and volunteer to be part of focus groups. The survey was conducted through SurveyMonkey from August 1, 2023, to August 15, 2023. Surveys were sent to 864 eligible certified bilingual staff based on emails identified on the City's Human Resource Management System. In total, 322 responses were received for a response rate of 37 percent.
- Conducted four focus group sessions to give bilingual staff an opportunity to share about their perception of work, to learn about the work that bilingual staff do, and to learn about their interactions with the public. Participants were chosen from volunteers who responded to the survey, as well as certified bilingual staff who expressed interest in participating after the groups were selected. In total, 21 certified bilingual staff participated in the focus groups.

We would like to thank the City Manager's Office of Communications, the City Attorney's Office, certified bilingual staff who participated in our survey and focus groups, and all other departments for their time, information, insight, and cooperation during the audit process.

## APPENDIX B

### Prior Audits Included Recommendations to Improve Language Accessibility

Over the past decade, the Office of the City Auditor has issued multiple audit reports that included elements of language equity and accessibility.<sup>1</sup> The findings of these reports centered around making City services and outreach more accessible to people with limited English proficiency. Recommendations made include identifying key written materials for translation, assessing language access need by concentration of households with limited English speakers, and including guidance for when interpretation services should be provided for public hearings or meetings.<sup>2</sup> These reports included:

- **Customer Call Handling (2014)**<sup>3</sup> – This audit found that despite San José having a large non-English speaking population, non-English speakers generally faced limited accessibility to City services. It recommended that the City clarify that the language interpretation line open purchase order is available for all departments to use. It also recommended that the City develop a policy and goals to further language accessibility while also assisting departments with this work.
- **9-1-1 and 3-1-1 (2019)**<sup>4</sup> – This audit found that the call tree for 3-1-1 offered English, Spanish, and Vietnamese, but advised customers about the availability of Spanish and Vietnamese interpretation for emergency calls.<sup>5</sup> For non-emergency calls, customers were encouraged to have an English speaker with them to proceed. This did not meet the standards of the City’s Language Access Policy that was in place at that time, despite concerns about longer wait times if language services were provided for non-emergency calls. It recommended to provide information and interpretation for non-emergency customers who do not speak English.
- **Development Noticing (2019)**<sup>6</sup> – This audit found that the City should improve mechanisms for reaching limited English proficient communities, specifically relating to notices for hearings and community meetings as well as interpretation at such events. It also found that neighborhood associations were required to pay for translation services. The audit made recommendations to ensure translation of hearing notices, include guidance on interpretation services for hearings, and remove the requirement for requesters to pay for notice translation.
- **Park Maintenance (2020)**<sup>7</sup> – This audit found that the signage for the Parks, Recreation and Neighborhood Services’ (PRNS) Park Concerns Hotline was only in English, even though some parks serve areas with high concentrations of limited English-speaking households. In accordance with the Language Access Policy that was in place at the time, the audit recommended that PRNS

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<sup>1</sup> Audit reports can be found online at: [www.sanjoseca.gov/your-government/appointees/city-auditor/audit-reports](http://www.sanjoseca.gov/your-government/appointees/city-auditor/audit-reports).

<sup>2</sup> Audit recommendations for all recommendations 2010 to present can be viewed online at: [www.sanjoseca.gov/your-government/appointees/city-auditor/audit-recommendations](http://www.sanjoseca.gov/your-government/appointees/city-auditor/audit-recommendations).

<sup>3</sup> All recommendations from this audit have been implemented. Full audit: [www.sanjoseca.gov/home/showdocument?id=33830](http://www.sanjoseca.gov/home/showdocument?id=33830)

<sup>4</sup> The language-related recommendation from this report has been implemented. Five other recommendations were partly implemented at the time of this audit. Full audit: [www.sanjoseca.gov/home/showdocument?id=38067](http://www.sanjoseca.gov/home/showdocument?id=38067)

<sup>5</sup> This audit was conducted prior to the addition of Chinese (including Cantonese and Mandarin) to the Language Equity Policy and Guidelines.

<sup>6</sup> The language-related recommendation from this report was implemented. Two recommendations were partly implemented and two were not implemented at the time of this audit. Full audit: [www.sanjoseca.gov/home/showdocument?id=38455](http://www.sanjoseca.gov/home/showdocument?id=38455)

<sup>7</sup> The language-related recommendation from this report was still open at the time of this audit, along with three other non-language related recommendations. Full audit: [www.sanjoseca.gov/home/showdocument?id=63071](http://www.sanjoseca.gov/home/showdocument?id=63071)

should assess language access needs for parks in such areas to provide multilingual information and resources in those areas.

- **Municipal Water Billing and Customer Service (2021)**<sup>8</sup> – This audit identified that the program was not consistently translating all program materials, as required by Senate Bill (998). This required certain items to be translated in the languages listed in §1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. In that case it was Spanish, Vietnamese, Tagalog, Korean, and Chinese. The audit made a recommendation to improve translations of identified documents and other material (e.g., forms and platforms) into all required languages.

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<sup>8</sup> The language-related recommendation has been implemented. Three non-language related recommendations remain open. Full audit: [www.sanjoseca.gov/home/showpublisheddocument/78861](http://www.sanjoseca.gov/home/showpublisheddocument/78861)

**TO:** JOE ROIS  
CITY AUDITOR

**FROM:** Carolina Camarena

**SUBJECT:** SEE BELOW

**DATE:** March 12, 2024

Approved



Date

3/12/2024

**SUBJECT: RESPONSE TO THE AUDIT OF LANGUAGE ACCESSIBILITY: THE CITY CAN STRENGTHEN EFFORTS TO ADDRESS LANGUAGE EQUITY ACROSS ITS SERVICES.**

The Administration has reviewed the Audit of Language Accessibility and agrees with the two (2) findings and 12 recommendations identified in the Audit Report. The Administration's specific response to each of the City Auditor's recommendations is provided below, along with target dates for implementation.

**BACKGROUND**

The objective of the audit was to assess City communications for compliance with the City's Language Equity Policy and Guidelines. The audit focused on common customer contacts for direct services provided by City departments.

The Administration prioritizes language access as essential to providing equitable community outreach and input on initiatives, policies, and program delivery. In the last two years, the City has made strides in language accessibility. Through the City Manager's Office of Communications, the City hired its first-ever Language Access Manager, updated the Language Access Policy to the Language Equity Policy, provided citywide language access training reaching 288 employees, incorporated hearing and visually impaired services, created guidance and resources for departments such as Standard Operating Procedures and templates, and cemented multilingual communications into the City's emergency response and recovery. This progress has been impactful, and the Administration has positioned the City to make additional advances, including incorporating language access as part of the City Manager's Customer Service Vision and Standards Initiative, and the items referenced in the City Auditor's report.

**RECOMMENDATION AND ADMINISTRATION'S RESPONSE**

**Finding 1: Departments Have Made Some Progress on Addressing Language Accessibility, But Additional Work Remains**

**Recommendation #1: To ensure continued progress in meeting the City's Customer Service Vision and Standards, the Administration should develop mechanisms and procedures to monitor language accessibility of common points of customer contact across departments, including phone trees, translations of vital documents, and signage posted at City facilities.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – The Office of Communications will work to identify common points of customer contact and will explore mechanisms and procedures to monitor language accessibility in partnership with departments to support the City's Customer Service Vision and Standards. Note: translation of vital documents and phone trees will be a phased effort that will depend on departmental budgets and priorities.

**Target Date of Implementation:** December 31, 2025

**Recommendation #2: The Administration should require departments that regularly provide direct customer service to residents or businesses designate Language Access Coordinator(s) who fulfill the responsibilities outlined in the Language Equity Policy and Guidelines. This may require an update to the policy.**

**Administration's response:** The Administration agrees with this recommendation.

**Yellow** – The Office of Communications will work with City departments that regularly provide direct customer services to residents or businesses to examine City equity initiatives and identify their capacity to require the role of a Language Access Coordinator. This recommendation is in progress with the Office of Communications developing a list of potential Language Access Coordinators for departments that provide significant and regular customer service. Budgeted resources may need to be identified for parts of this scope and would be addressed in the City's budget process within the context of other City Council priorities and budgetary constraints. The Office of Communications will coordinate with the City Attorney's Office to determine if an update to the policy is required.

**Target Date of Implementation:** December 31, 2025

**Recommendation #3: To effectively support staff in fulfilling their roles, the Office of Communications should develop a Language Access Coordinator training and resources to share with coordinators.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – The Office of Communications will add to the current training program additional resources that will effectively support all staff in fulfilling roles related to language access

coordination and will support the City's Customer Service and Vision Standards and equity initiatives.

**Target Date of Implementation:** December 31, 2025

**Recommendation #4: To ensure departments incorporate language considerations into their services, the Administration should require departmental Language Access Plans for either customer facing departments or all departments, as appropriate. This may require an update to the Language Equity Policy and Guidelines.**

**Administration's response:** The Administration agrees with this recommendation.

**Yellow** – The Office of Communications will work with departments to explore the opportunity to streamline equity efforts in the City and how to best incorporate language considerations into department services. Working with the Office of Communications, City departments must identify their capacity to complete the Language Access Plans and the time required for the work before firm commitments can be set. Budgeted resources may need to be identified for parts of this scope and would be addressed in the City's budget process within the context of other City Council priorities and budgetary constraints. The Office of Communications will coordinate with the City Attorney's Office if an update to the policy is required.

**Target Date of Implementation:** December 31, 2025

**Recommendation #5: The Office of Communications should develop and distribute a template for Language Access Plans which at a minimum asks departments to address:**

- **Procedures for addressing language accessibility in verbal, written, and visual communication,**
- **Identifying customer-facing positions for requiring language access training, and**
- **Procedures for identifying necessary resources for language services.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – The Office of Communications will explore the opportunity to streamline one plan for all equity efforts in the City. The Office of Communications will also work with City departments once they have identified their capacity to complete Language Access Plans before firm commitments can be set. If required, the Office of Communications will develop and distribute a template for Language Access Plans that includes the three items listed in the recommendation.

Implementation of a Language Access Plan by departments will take additional time based on budget and staff resources.

**Target Date of Implementation:** December 31, 2025

**Recommendation #6: To ensure vital documents are accessible to residents and businesses, the Office of Communications should:**

- A. Develop guidance on identifying, prioritizing, and translating vital documents and distribute this guidance to City departments.**
- B. Explore expanding the City's use of translation technologies where culturally appropriate translations could be achieved.**

**This may require consultation with the City Attorney's Office.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – Recommendation A has been partly implemented. The Language Access Manager has been coordinating with departments to identify vital documents as currently defined in the Language Equity Policy. The Office of Communications will develop additional resources to provide better guidance for departments.

The Office of Communications will continue to explore and monitor emerging translation technologies which will likely require additional funding to implement and would be addressed in the City's budget process within the context of other City Council priorities and budgetary constraints.

The Office of Communications will consult with the City Attorney's Office when necessary.

**Target Date of Implementation:** December 31, 2025

**Recommendation #7: To ensure City vendors and consultants provide language services to San José residents and customers, the Administration and the City Attorney's Office should develop standard contract terms that align with the Language Equity Policy and Guidelines.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – The Office of Communications and the City Attorney's Office will coordinate with the Administration to explore developing standard contract terms that align with the Language Equity Policy and Guidelines.

**Target Date of Implementation:** December 31, 2025

**Recommendation #8: To ensure that language equity is intentionally incorporated into departmental considerations, the Office of Racial Equity should update relevant guides and tools to include considerations for language access. This may require consultation with the Office of Communications.**

**Administration's response:** The Administration agrees with this recommendation.



**Green** – The Office of Racial Equity will update relevant guides and tools to include considerations for language access.

**Target Date of Implementation:** December 31, 2024

**Recommendation #9: To ensure continued progress towards equitable language access for City services, the Administration should better define its language equity goals, and develop performance metrics and a system to monitor performance.**

**Administration’s response:** The Administration agrees with this recommendation.

**Yellow** – The Office of Communications will explore incorporating performance measure around language equity. However, the development of performance measures and a system to monitor them may require additional resources yet to be determined.

**Target Date of Implementation:** December 31, 2025

**Finding 2: Bilingual Staff Are a Resource to the City, Though Clarity on Their Role is Needed**

**Recommendation #10: To better balance the workload of bilingual staff, the Administration should clarify the purpose of the bilingual staff lists and develop guidelines for contacting bilingual staff or when to use external vendors.**

**Administration’s response:** The Administration agrees with this recommendation.

**Green** – The Human Resources Department and Office of Employee Relations will clarify the purpose of bilingual staff lists and develop guidelines for contacting bilingual staff or when to use external vendors.

**Target Date of Implementation:** November 30, 2024

**Recommendation #11: To provide clarity regarding how interpretation services are provided, the Administration should:**

- A. Update the Language Equity Policy and Guidelines to clarify expectations of bilingual staff regarding interpretation.**
- B. Develop a service model for providing professional interpretation services, including guidance for use of external vendors and assessing the potential for in-house interpreters, where appropriate.**

**Administration’s response:** The Administration agrees with this recommendation.

**Yellow** – The Office of Communications will review the Language Equity Policy and Guidelines to clarify the expectation of bilingual staff regarding interpretation and will update as necessary.

JOE ROIS, CITY AUDITOR

March 12, 2024

**Subject: Response to the Audit of Language Accessibility**

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The Office of Communications will explore developing a service model for providing professional interpretation services. Recommendation B will require further analysis before firm commitments can be set. Budgeted resources may need to be identified for parts of this scope and would be addressed in the City's budget process within the context of other City Council priorities and budgetary constraints.

**Target Date of Implementation:** December 31, 2025

**Recommendation #12: To ensure accurate information is available for certified bilingual staff, the Human Resources Department should work with City departments to reconcile bilingual certification records.**

**Administration's response:** The Administration agrees with this recommendation.

**Green** – Human Resources will work with departments on this recommendation to review who is currently receiving bilingual pay in each department during the fourth quarter of FY 2023-2024 and will work with Finance to make any necessary changes once the review is complete.

**Target Date of Implementation:** June 30, 2024

## **CONCLUSION**

The Administration thanks the City Auditor and his staff for the audit of Language Accessibility. The Audit Report's 12 recommendations are consistent with the Office of Communications vision to provide excellent service through language access. While there are recommendations that are already in progress, many will take coordinated departmental effort, and exploration of staffing and budget capacity. The Administration expects it will require several years to complete all recommendations given the City's current priorities and budget status as of the date of this response.

The Office of Communications looks forward to strengthening efforts to address language equity across the City's services through the improvements identified.

/s/

CAROLINA CAMARENA  
Director of Communications

For questions, please contact Marisa Diaz, Language Access Manager, at [Marisa.Diaz@sanjoseca.gov](mailto:Marisa.Diaz@sanjoseca.gov) or (408) 535-8261.