

Language Equity Policy & Guidelines**6.1.10****PURPOSE**

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.

DEFINITIONS

- A. Limited and/or non-English speakers: Persons who either do not speak English or who are unable to effectively communicate and comprehend in English because it is not their primary language.
- B. Bilingual: The ability to speak two languages proficiently and communicate accurately in both languages.
- C. 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. For example, bilingual staff speaking and/or writing in Spanish and Spanish-speaking resident also responding in Spanish.
- D. Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the limited and/or non-English speaker.
- E. Language Assistance Services: Interpretation and translation services for both verbal and written communication, respectively, including in-person and video remote American Sign Language (ASL) interpretation.
- F. 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. Interpreting is a sophisticated skill needing practice and training and should not be confused with bilingualism.
- G. Transcreation: The conversion of communication in one language to another in a written form is translation. 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.
- H. Vital Documents: Documents that contain essential information about available City programs, services, and benefits, access to which is essential in order for persons to receive, benefit, or participate meaningfully in City programs and services.

LANGUAGES SPOKEN IN SAN JOSÉ

The U.S. Census Bureau's 2015-2019 American Community Survey shows that approximately 57% of San José residents five years of age and over speak a language other than English at home. Based on the Census data, the top three languages spoken at home by at least 5% of the population in the City of San José, are:

- Spanish
- Vietnamese
- Chinese (including Cantonese and Mandarin)

The spoken/verbal forms of Chinese, Cantonese and Mandarin, should be used for interpretation and the written forms, Chinese Traditional and Chinese Simplified, should be used for translation. The City will take reasonable steps to use these languages to provide information for and access

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to all City programs and services. The City Manager's Office of Communications will update the recommendation periodically, based on available data.

BEST PRACTICES

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.

The City recommends the following national best practices for its language access implementation:

General

- Customers may prefer or request to use a family member (including minors) or friend as an interpreter. However, City staff may not require that a customer use a family member and must first offer the use of an interpreter at no cost to the person. If the customer chooses to use a family member or friend as an interpreter, City staff should take into consideration how competent the interpretation is and if there is any conflict of interest. The use of children and/or minors should be avoided, where possible.
- Prominently display signage and notices of available language access services at no cost to residents and businesses in public spaces.
- Field staff (neighborhood traffic safety inspectors, sewers easements staff, etc.) who frequently interact with the public, and who work outside City department locations should carry Language Identification flashcards from the [U.S. Census Bureau](#).
- Provide translation of written Vital Documents and of regularly used documents into Spanish, Vietnamese, and Chinese (Traditional and Simplified).
- Provide professional interpreters for Spanish, Vietnamese, and Chinese (Cantonese and Mandarin) at community meetings, as determined by staff or upon advance request from members of the public.
- Ensure language equity for limited and/or non-English speakers by hosting public meetings in the language(s) spoken by City residents or businesses to be served within a specific demographic area or by offering simultaneous interpretation with no advance notice required.
- Each department should appoint a Language Access Coordinator. Information related to the role and responsibilities of a Language Access Coordinator are outlined in that section of this policy.
- Departments should consider hiring and/or assigning bilingual employees to sites/locations in communities with a specific language need or predominant language, at community centers, library branches, etc.
- Departments should consider earmarking sufficient funds for language access when planning projects and developing budgets, to ensure that language access services are readily available for City residents and businesses.
- Departments should include departmental language access systems in new staff onboarding and provide periodic training (minimum of once a year) for existing employees regarding language assistance services to limited and/or non-English speakers.

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- Since each department has specific needs and to maximize outreach to limited and/or non-English speakers, departments should build relationships with local community-based organizations and ethnic media on an ongoing basis.

LANGUAGE ASSISTANCE GUIDELINES**Signage and Notice of Language Assistance Services**

City departments must inform limited and/or non-English speakers of their eligibility for benefits, programs, and services in a language they understand. Departments should translate their outreach materials and explain how limited and/or non-English speakers may access available language assistance services. Outreach materials should describe what language assistance is available, and in what languages the assistance is available. Outreach materials should also clearly state that language assistance is provided by the City at no cost to the member of the public or business.

Information regarding the availability of language assistance may be provided through forms, brochures, language access flyers/posters placed in conspicuous locations describing in multiple languages the availability of language assistance services, or the use of “I Speak” language identification cards.

Any written department closure signs should also be displayed in Spanish, Vietnamese, and Chinese (Traditional and Simplified). Templates can be found on the City of San José intranet and SharePoint accessible to employees only.

While communicating with City residents or businesses, it is recommended that City staff add a sentence or line about the availability of no-cost language assistance services for limited and/or non-English speakers to an email message, letter, or phone voicemail.

In-Person Language Assistance

When City staff is approached by a limited and/or non-English speaker for any type of assistance, it may be determined that the customer needs language assistance based on:

- Self-identification by the limited or non-English speaker
- A request by a companion of the limited or non-English speaker
- A query by a staff member regarding the customer’s preferred language, to determine language proficiency and whether the customer would like the services of an interpreter, based on:
 - Open-ended questions that require a full sentence reply
 - Avoiding questions that require just a yes/no reply
 - The customer’s inability to use complete sentences to communicate
- A customer request based on the Interpreters Available poster from Voiance (phone interpretation vendor) posted at all community access points available on the City of San José intranet and SharePoint or using Language Identification flashcards from the U.S. Census Bureau available at the link [DHS I Speak Booklet \(lep.gov\)](https://www.census.gov/ipeds/data/2013/lep.gov).
- The inability of an employee to effectively communicate with the limited and/or non-English speaker

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After a determination that the customer requires language assistance, City staff may assist them in the following manner:

- If the staff member is a certified bilingual staff member in the needed language, begin the communication “in-language”;
- Request a certified bilingual staff from their work unit to provide “in-language” direct services that City staff would usually provide in their certified language/s (for example, Spanish to Spanish); or
- If no certified bilingual staff is available to assist the customer, City employees shall utilize the services of a contracted professional interpreter. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting.

Telephone Trees

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.

Written and Print Communications

The City shall prioritize which written communications should be translated into the top three languages spoken by limited and/or non-English speaking persons in San José – Spanish, Vietnamese, and Chinese (Traditional and Simplified). Each department should exercise its discretion in creating a process for identifying and prioritizing Vital Documents or texts to translate.

Priority for Vital Documents depends upon:

- The importance of the program, information, or service involved as determined by the authoring department; and
- The number of customers seeking that service who speak or read a particular language.

In order to provide equitable services in the languages spoken in specific populations within the City, departments should actively seek to create and implement in-language programs in communities with a high concentration of non-English speakers.

Professional translation should be used for Vital Documents including, but not limited to the following, within the discretion of the department:

- Notices related to health and safety concerns
- Notices regarding basic human needs i.e., housing assistance, food, shelter, learning opportunities, employment, healthcare
- Administrative complaints, release, or waiver forms
- Lists and descriptions of services provided
- Forms that require a customer signature
- Claim or application forms
- Letters of findings

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- Public outreach, notices of community meetings or other sensitive community outreach or educational materials (including web-based materials)
- Letters or notices pertaining to statutes of limitations, referrals to other agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case, or matter
- Written notices of rights, denial, loss, or decreases in benefits or services, administrative or other hearings
- Forms or written material related to individual rights
- Notices regarding the availability of language assistance services provided at no cost to limited and/or non-English speaking persons
- Certain consent orders, decrees, memoranda of agreement, or other types of pleadings or litigation materials

This policy is not intended to supersede or alter other rules and legal standards relating to translation obligations. Departments should also consult with their department City Attorney when deciding whether to translate certain types of documents. Departments should also ensure that all translations are completed by qualified professional translators.

Meeting Outreach Notices

Departments shall provide standard information about the availability of language assistance services (including on-site or remote simultaneous interpretation) on all meeting notices where it is believed such services will benefit the participants of the meeting.

All community outreach and meeting materials (flyers/posters) should be translated into Spanish, Vietnamese, and Chinese (Traditional and Simplified) based on the following criteria:

- The demographics of the area to be served
- The anticipated attendance of limited and/or non-English speakers
- Where it is generally known participants will require such services

In order to provide equitable services in the languages spoken in specific populations within the City, departments should actively seek to program and hold meetings in communities with a high concentration of non-English speakers in the languages spoken by the community.

Language Access Consideration for Vendors Hired by City

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. Where it is determined that the successful vendor must be able to provide services to customers with limited and/or non-English speakers, departments should ensure the appropriate specific language access requirements are set forth in scope of work/services of Requests for Proposals, Requests for Quotes, and Request for Bid documents, and refer potential bidders to the City's Language Access Policy.

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City departments will track the use of language assistance services through invoicing of vendors and other records associated with telephonic interpretation, remote simultaneous interpretation, video remote interpretation, ASL interpretation, and translation services.

Periodic Review

The City and departments that have established language access plans should periodically review, reassess, and update their plans. They should ensure that the scope and nature of language assistance services reflect updated information on relevant populations with limited and/or non-English speakers; City or department language assistance needs; changes in technology and resources; and City or department experience under the plan.

Further, the City and departments should take reasonable efforts to ensure that contract language assistance services, list of bilingual City staff, directory of translated documents, signs, and web-based services are current and meet current language needs.

INTERPRETATION AND TRANSLATION SERVICES**In-Person Language Assistance by City Certified Bilingual Staff**

It is recommended that certified bilingual City staff help limited and/or non-English speakers by communicating "in-language" and providing them information related to departmental programs or activities.

Bilingual staff may also be requested to translate short texts or review documents professionally translated by the City's contracted vendors for their City departments.

If a certified bilingual staff member is not comfortable with their language ability in a specific situation, then professional translators/interpreters are available to support City staff and provide language access to residents and businesses. For larger or more complicated projects, departments are encouraged to contract with professional vendors for (oral) interpretation and (written) translation services.

Certified bilingual City employees are expected to:

- Provide direct services (the services that City staff usually provide) in their certified language(s).
- Assist limited and/or non-English speaker to find the right office, schedule an appointment, obtain a needed document, etc.
- Review documents professionally translated by the City's contracted vendors for their City departments.
- Translate short texts (less than half page).

The Human Resources Department maintains a current list of staff who have been certified by the City as proficient (oral and/or written) in languages other than English. This list of multilingual staff is available on the City of San José intranet and SharePoint.

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The Office of the City Manager has established a pool of interpretation (consecutive, simultaneous, ASL) and translation services. City staff may access the services of professional interpreters and translators by selecting a contracted vendor from the City of San José Vendor Matrix, which provides a list of vendors contracted with the City.

Information is available on the on the City of San José intranet and SharePoint.

These language access service vendors may be used by departments to acquire interpretation/translation services for all projects and meetings. The cost for these professional services may vary based on whether an interpreter/translator is needed immediately or is scheduled ahead of time. Before engaging the services of any vendor, employees should seek the approval of their department fiscal personnel. Payment for all rendered services must be paid by the department requesting the services.

Every reasonable effort should be made to provide equitable access to language assistance services. When requested for programs, services or when Language Access services are needed for hosting meetings in neighborhoods with a high percentage of limited and/or non-English speakers, budget should not be a barrier. Contact the citywide Language Access Manager in the City Manager's Office of Communications for assistance with budgetary resources if necessary or to provide services in unforeseen cases.

Over the Phone Interpreting (OPI)

Phone interpretation is a three-way phone communication between a professional interpreter, the customer needing language assistance, and City staff. City staff have access to a contracted 24/7 service for immediate telephone access to a professional interpreter in 200+ languages. The interpreter helps employees communicate meaningfully with limited and/or non-English speakers, in their own languages.

Departments that have call centers or provide telephonic services to the public are required to ensure staff has proper training in the use of these services. Phone interpretation is available in Spanish, Vietnamese, Chinese (Mandarin and Cantonese), Tagalog, Korean, Farsi, Arabic, Russian and 222 other languages.

Professional Interpretation at Meetings

Departments shall take reasonable steps to include professional interpreting services at meetings where it is reasonably expected by department staff that participants will require such services. Departments shall provide standard information about the availability of interpreting services on all meeting notices where it is believed such services will benefit the participants of the meeting. The citywide pool of professional oral (interpretation) and written (translation/transcreation) services established by the Office of the City Manager include the following:

- *Remote Simultaneous Interpreting (RSI)* – Remote simultaneous professional interpretation requires connecting remotely via a preferred virtual meeting or video conferencing platform like Zoom, WebEx, Google, etc. through an iPad, tablet, laptop, or other mobile devices.

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- *In-Person/On-site Interpreting* - Professional interpretation (simultaneous or consecutive) may be provided for limited and/or non-English speakers for in-person, on-site meetings at City Hall or other locations.
- *American Sign Language (ASL) Interpreting* – ASL interpreting for deaf or hard of hearing customers (on-site/in-person)
- *Video Remote Interpreting (VRI)* - Videoconferencing technology and equipment with a qualified professional interpreter to help deaf or hard of hearing customers communicate with City staff in-person or virtually.

RESOURCES**Language Access Services Resource Library**

The Language Access Services resource library on the City of San José intranet and SharePoint for City employees, includes the following:

- List of contracted vendors providing interpretation and translation services
- Phone interpretation resources
- Tips on accessing and using these services
- Tips on working effectively with an interpreter
- Multilingual glossaries to ensure consistency across all translations
- Bilingual pay and employee resources

Web Resources

All departments should make their staff aware that the City's website has a translate feature next to the search field at the top of every page on the website that can translate web content into twelve different languages that are spoken in San José - Arabic, Chinese Simplified, Chinese Traditional, Filipino, Hindi, Japanese, Korean, Persian, Portuguese, Russian, Spanish, and Vietnamese.

- Customers should be informed that these web-based translations may contain translation errors. In addition, this automated feature only translates web pages on www.sanjoseca.gov and does not translate documents such as PDFs, Word, Excel, or other documents.

LANGUAGE ACCESS COORDINATORS

The role and responsibilities of a Language Access Coordinator should include the following:

- Inform new hires of the availability of language access services offered by the City.
- Respond to inquiries regarding citywide vendors contracted to provide language access services.
- Inform all department staff of the HR Bilingual Employee List on the City of San José intranet and SharePoint, which includes a roster of bilingual/multilingual staff, their departments, their names, the languages that they speak, and certifications of their bilingual capacity (oral, written, or both). This list is also available on SharePoint for employees.
- Coordinate the reviewing efforts of bilingual/multilingual staff to ensure the accuracy, local acceptability, and cultural appropriateness of all translations for all languages in which the services are provided.

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- Solicit feedback from bilingual/multilingual staff regarding contracted translations and interpretation services.
- Liaise with the citywide Language Access Manager for assistance with citywide language access trainings, updates regarding contracted vendors for language access services and feedback regarding contracted services.

EMERGENCY RESPONSE LANGUAGE ACCESS GUIDELINES

During an emergency event, the Emergency Operations Center (EOC)/Department Operation Center (DOC) shall provide outreach and information to City residents and businesses in Spanish, Vietnamese, and Chinese (including Cantonese and Mandarin) by following these strategies:

- Activate a Language Access Unit within the emergency operations of the EOC/DOC, consisting of certified bilingual staff to provide timely and essential language assistance.
- Assign staff to lead and coordinate efforts of the unit for transcreation of materials.
- Activate vendor contracts for urgent (less than 24-hour lead time) turnaround of professional translations and interpretation (including ASL), closed captioning, video captioning, etc.
- Build partnerships with community-based organizations and ethnic media to broaden outreach.

For such purposes, the EOC/DOC should identify certified bilingual staff who would qualify to work in future emergency activations.

TRAINING

The City will endeavor to ensure that relevant employees receive training on City and department language access policies and procedures including, but is not limited to the following:

- Identifying the language needs of customers with limited English and non-English proficiency
- Working with an interpreter in person or on the telephone
- Requesting documents for translation
- Accessing and providing language assistance services
- Providing effective assistance to customers with limited English and non-English proficiency

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BILINGUAL PAY POLICY

Employees may receive a pay differential based on their use of a non-English language as part of their regular job duties. To receive this, City employees must pass an exam certifying their ability to speak and/or write a non-English language. Refer to the City’s Bilingual Pay Policy [CPM 4 1 3 Bilingual Pay Policy \(sanjoseca.gov\)](#) for more details.

Approved:

/s/ Jennifer A. Maguire
City Manager

October 20, 2022
Date