

CHAPTER 91
EQUAL ACCESS TO SERVICES

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Sec. 91.1 TITLE

This chapter shall be known as the "Equal Access to Services Ordinance. (Added by Ord. 126-01, File No.010409, App. 6/15/2001)

Sec. 91.2 DEFINITIONS

As used in this Chapter, the following capitalized terms shall have the following meanings:

- (a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.
- (b) "City" shall mean the City and County of San Francisco
- (c) "Commission" shall mean the Immigrant Rights Commission
- (d) "Concentrated Number of Limited English Speaking Persons" shall mean either five (5) percent of the population of the District in which a Covered Department Facility is located or five (5) percent of those persons who use the services provided by the Covered Department Facility. The Planning Department shall determine annually whether five (5) percent or more of the population of any District in which a Covered Department Facility is located are limited English speaking persons who speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether five (5) percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English using either of the following methods specified in Section 91.2(j) of this Article

- (e) “Covered Department Facility” shall mean any Department building office, or location that provides direct services to the public and serves as the workplace for five (5) or more full-time employees.
- (f) “Departments” shall mean both Tier 1 and Tier2 Departments
- (g) “Districts” shall refer to the 11 geographical districts by which the people of the City elect members of the City’s Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw district boundaries for the purposes of this Article that are approximately equal in population
- (h) “Limited English Speaking Person” shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual’s primary language
- (i) “Public Contact Position shall mean a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.
- (j) “Substantial Number of Limited English Speaking Persons” shall mean either 10,000 City residents, or five (5) percent of those persons who use the Department’s services. The Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether five (5) percent or more of those limited English speaking persons who use the Department’s services citywide speak a shared language other than English. Departments shall make this determination using either of the following methods:

- i. Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its annual compliance plan required by Section 91.9 of this Article; or
 - ii. Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether five (5) percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English for purposes of Section 91.2(d) of this Article. Departments may not use any other method unless approved prior to its use by the Commission.
- (k) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.
- (l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City employees.
(Added by Ord. 126-01, File No. 010409, App. 6/15/01; amended by Ord. 187-04, File No. 040759. App. 7/22/2004)

SEC. 91.3 EQUAL ACCESS TO SERVICES

- (a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as the provide English speakers.
- (b) Departments need only implement the hiring requirements in this ordinance by filing public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out this ordinance.
- (c) This Article shall be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964. California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligation to comply with any court order or consent decree. (Added by Ord. 128-01, File No. 011051, App. 6/15/2001)

SEC. 91.4 TRANSLATION OF MATERIALS