CITY OF PHILADELPHIA
OFFICE OF THE MANAGING DIRECTOR

MEMORANDUM

TO : All Commissioners and Department Heads

FROM : Loree D. Jones, Managing Director

CC : Department Global Philadelphia Ambassadors

SUBJECT : **MDO Directive 62: Language Access Policy and Plan for Operating Departments**

DATE : December 3, 2007

Attached please find Managing Director's Office (MDO), Directive 62: Language Access Policy and Plan for Operating Departments – **effective immediately**.

Since launching the Global Philadelphia initiative in 2004, the MDO has worked with City operating departments to formulate and implement language access policies and plans to ensure accessibility for City residents and visitors with Limited English Proficiency (LEP), as well as, meet federal and local mandates. Concurrently, the MDO, in collaboration with department liaisons and advocacy groups, has also worked to finalize and issue a formal Language Access Policy and Plan for all City operating departments (Directive 62).

Although several operating departments have either issued their own language access policies or have begun work on said policies, we believe, with the issuance of MDO Directive 62, this is an opportunity for all operating departments to re-visit those plans, finalize the planning work already begun, or start the process of developing and issuing language access policies and plans for their departments. Similarly, we invite and encourage City departments outside the purview of the Managing Director's Office to also develop and issue language access policies for their respective departments, which will further ensure that City government remains accessible to all residents and visitors irregardless of their language or ability to speak English.

In accordance with Directive 62, all City Operating Departments are expected to finalize and/or update and submit their language access policies and plans to the Managing Director's Office **within 90 days of the issuance of this Directive**. As well, we ask that all Commissioners and Department Heads identify a senior staff member to serve as the department's "Global Philadelphia Ambassador," working as a liaison to the MDO and department staff in all matters related to language access. Many departments already have a Global Philadelphia Ambassador, however, we encourage each department to ensure that this staff member is identified and/or re-appointed as such. Please submit the name of your department Ambassador no later than a week from the issuance of this policy to Stephanie Tipton, Assistant Managing Director.

The MDO will continue to work with all Departments in the development and implementation of their language access plans and will contact each designated Ambassador to discuss next steps with Directive implementation.

OFFICE OF THE MANAGING DIRECTOR

ISSUED: December 3, 2007

MANAGING DIRECTOR'S DIRECTIVE NO. 62

LANGUAGE ACCESS POLICY AND PLAN FOR CITY OPERATING DEPARTMENTS

I. PURPOSE AND AUTHORITY

Reflecting broad demographic changes, the City of Philadelphia ("City") is growing more diverse. Increasing numbers of those who live, work or spend time in the City are not proficient in English. The City must be capable of delivering services to all residents regardless of their English language ability in order to discharge municipal functions effectively. Whether seeking to protect public health and safety, responding to emergencies or collecting revenues, poor communications between city employees and limited English proficient (LEP) residents will undermine the quality of services rendered. The ability to deliver services in different languages also makes the city a more hospitable location for newcomers to settle, promotes the development of small businesses and facilitates sound emergency management planning.

In addition, the City is obligated by legal mandates to ensure that LEP residents are afforded meaningful access to city services that receive federal financial support, directly or indirectly. Those mandates arise under Title VI of the Civil Rights Act of 1964 and the provisions of the Mayor's Executive Order of September 29, 2001.

In order to enhance the effectiveness of municipal services, provide equal access, support economic growth and comply with civil rights mandates, the Managing Director's Office ("MDO") issues this policy on providing services to LEP persons for all City operating departments and recommends the development of Language Access Policies and Plans for City departments outside the purview of the MDO.

This Policy and Plan, and related plans, policies, and protocols developed and implemented by various City departments and agencies, shall not be construed to grant rights to members of the public.

II. GENERAL POLICY

A. It is the City's policy to grant access to services or programs to every person irrespective of any limitations on that person's ability to speak, understand, read or write English. In furtherance of this policy, the City intends to take reasonable steps to provide LEP persons with meaningful access to services and programs that is not unreasonably restricted, inferior or substantially delayed as compared to others. The City seeks to

reduce language barriers by increasing its capacity to deliver services and benefits to people in their primary language.

B. It is the policy of the City that it is the responsibility of the City, rather than the LEP individual seeking service, to ensure that language barriers are surmounted. The City will take reasonable steps to effectively inform the public, including groups of LEP individuals, of the availability of language accessible services.

C. Each department shall develop a language access plan and shall devise and implement written policies and protocols for providing services to LEP persons that are consistent with this policy. All departmental plans, policies and protocols should be written or updated no later than 90 days from the issuance of this policy.

D. Departments that provide services in part through subcontracts or grants shall establish and enforce language access policies applicable to services provided by subcontractors and grantees to ensure compliance with departmental policy.

III. DEPARTMENTAL PLANS AND POLICIES

A. Approach. Sustained effort will be required to make the services provided by each City department accessible to LEP persons. Each department reporting to the Managing Director must, with oversight from the Managing Director's Office, develop a written plan, policy and protocols based on and appropriate to its own operations which comply with this MDO policy, the advice of the Law Department and any Guidance published by federal department(s) that provide financial assistance to the City department.

1. Plan. The plan is an administrative blueprint for bringing a department into compliance with language access requirements. The plan outlines the tasks to be completed, sets deadlines, designates responsible personnel, and establishes priorities.

2. Policy. The policy includes the operating principles and guidelines that will govern the delivery of language appropriate municipal services and includes expectations for how the department and its staff will function.

3. Protocols. Protocols are detailed explanations that specify the steps to be followed to access language services, gather data, and deliver services to individual customers.

Although the plan, policy and protocols need not be separate documents, each of the elements must be included.

B. Plan. Each department shall formulate or update a language access plan.

1. Language access coordinator. One or more senior staff shall be designated by each Commissioner to be responsible for the language access planning and implementation. The coordinator shall report directly to the commissioner [or deputy commissioner] or his designee and shall be provided with appropriate time

and support to carry out these duties. Each commissioner shall remain responsible to MDO and the Mayor for complying with this policy. Appendix A includes a overview of the position and the major responsibilities.

2. Blueprint. Each plan shall outline the tasks to be completed, set prioritized deadlines, and assign resources, including the following items:

a) Needs assessment. Each department shall conduct a needs assessment that includes the following minimal actions:

(1) Identify and characterize the nature and importance of the various services and programs provided by the department in order to help determine priorities for upgrading services.

(2) Gather data on the language makeup of the population that is eligible to be served by the department, as well as language data on those who are actually being served. Staff should consider whether the data suggests that any particular language groups are being served disproportionately to their population. Each department should develop an understanding of the proportion of the service population that is LEP, the frequency with which the department provides services to LEP persons and the languages most frequently encountered.

(3) Identify all points of contact between the public and the department and all potential language or language related barriers to service, including the location of offices and modes of providing service. This process should also identify departmental operations that will not encounter LEP members of the public.

b) Resources assessment. Each department must also determine what language resources are available to it to deliver services to LEP customers.

(1) Identify existing bilingual staff who are competent to deliver services directly in a second language, or to serve as interpreters for other employees and consider what changes are needed to involve bilingual staff in serving LEP customers.

(2) Become familiar with the language services available under existing City contracts for in-person interpreting, telephone interpreting and translation. Consider what steps are required to make these language services available for staff use, including needs for equipment and training.

c) Language services protocols

(1) To supplement in-house language skills, the department must determine where language services are needed to assist the public

and ensure that resources are identified to provide interpreting and translating as needed.

(2) Specific protocols must be devised to instruct staff on how and when to procure language services. Language services should be provided upon request or whenever deemed appropriate by staff.

(3) Protocols should be designed for ease of use and with minimal approval or documentation required.

d) Document translation. A system must be established to review all forms, letters, documents and website content used by the department to determine which are vital to providing meaningful access to LEP persons and plans made to translate the documents into languages regularly encountered.

e) Policy. Each plan must provide for development of a written language access policy.

3. Stakeholder consultations. The language access coordinator should consult with stakeholders in devising the plan, policy and protocols. In addition to MDO staff, this includes, but is not limited to, language service providers, staff in various units, community advocates and community organizations.

4. Training. The department must devise and implement a plan for ongoing, regular training that ensures that staff are aware of the contents of the plan and protocols and that newly hired staff are provided language access training. The plan must include provisions for training bilingual staff interpreters in how to interpret, and for monolingual staff on how to work with an interpreter.

5. Data.

a) Review what systems are available or are needed to allow the department to accurately record and monitor data on the language needs of people who receive service and whether changes are needed to data systems to ensure that language services are provided in subsequent contacts. Language data will also be needed to inform ongoing needs assessments and priority setting by language.

b) Administrative procedures must be in place and staff assigned to gather and analyze language data periodically in order to quantify needs, measure changes over time and set priorities.

6. Notice. The plan must address the need to inform the public of the availability of language services and how to access them through public advertising, community outreach, posted notices in public service areas, tag lines on department documents, the department's content on the City's website, telephone answering

systems and other media systems. The plan, policy and protocols should be made available to the public as well.

7. Monitoring. The plan should provide for a system to periodically monitor department compliance with policy and protocols, gather language specific data on persons served, the use of language services, and the need for changes in the policy and protocols. The plan should include a method to periodically report to and gather input from stakeholders and a procedure to receive and respond to complaints regarding language services. A system must be set up to similarly ensure that contractors or grantees of the department comply with the policy. The plan should further provide for periodic reporting of monitoring information and analysis to MDO.

8. Performance Measures. The plan should include a method for developing performance measures appropriate to the department Language Access Plan and Policy and department operations. The plan should provide for a system of measuring performance against these measures which may include the periodic surveying of LEP customers and evaluation of services provided.

C. Mandatory Policy Elements. Each departmental policy must at a minimum address the following issues, in addition to those set forth in the preceding section:

1. Responsibility. The department, rather than the LEP customer, bears the responsibility for the reasonable provision of language appropriate services. Staff at the initial point of contact have the specific duty to assess and record language needs.

2. Bilingual staff

a) Hiring. Departments with significant customer service functions should plan to develop in house language capacity through regular hiring of employees with specific language skills, should designate job openings appropriately and notify the Personnel Department of hiring needs for bilingual staff.

b) Staff interpreters. Competent and trained bilingual staff can also function as interpreters for other staff, when needs and staffing permit.

c) Language sensitive assignments. Subject to any mandatory legal constraints, Department staff should consider the options available to organize, assign or configure employees in order to best serve the language needs of the persons served by the department without imposing unfair burdens on bilingual staff.

3. Language Data. Each department must consider the means by which to effectively gather and analyze data on the language needs of those who use the

department's services. Departments that maintain records specific to individuals, particularly those that provide ongoing services to individuals, should develop the means to identify and record the primary language of the customer, tabulate language data, and mark files with language information so that language appropriate services can be provided as a matter of course in future contacts.

4. Language services. Services should be provided in a specific order of preference:

a) The preferred method of serving LEP customers is by using competent bilingual staff able to provide services directly to the customer in his/her primary language without the need for an interpreter.

b) Available, trained, competent bilingual staff may be used for in-person or telephone interpreting to support monolingual service staff.

c) Staff should seek assistance from professional in-person or telephone interpreters when staff cannot meet language needs. Departments should recognize that certain circumstances may require specialized interpretation and translation services even when staff with bilingual abilities are available.

d) Use of informal interpreters such as family, friends of the person seeking service, or other customers must be actively discouraged, with minor children generally prohibited from acting as interpreters. Use of volunteer interpreters from community organizations should be discouraged. The policy should permit the use of inappropriate interpreters: at the insistence of the customer subject to controls such as documentation or approval of a supervisor; and in emergencies subject to documentation requirements and review.

e) Telephone interpreters (including staff interpreters) should be generally used for interpreting customer telephone contacts. The use of telephone interpreters for in-person contacts should be restricted according to policy provisions that take into account the relative cost of in-person and outside telephone interpreters, the amount of time expected for the service contact, the nature of the service, the increased difficulty of interpreting by telephone, and the time needed to procure in-person interpreters.

f) Staff must be authorized to procure language services when deemed necessary to provide service even when such assistance is not requested or desired by the customer.

g) No staff may suggest or require that an LEP customer provide an interpreter in order to receive services.

5. Translation. All forms, letters, documents and website content in use by the

department should be reviewed to determine their importance in providing services to LEP customers.

a) Documents that are vital to provide customer access should be translated into those languages regularly encountered. At a minimum, it shall be City policy to translate such documents into the languages comprising 5% or 1,000 persons, whichever is less, of those actually or potentially served by the department.

b) It shall be City policy to include a multilingual tag line in all vital documents in English, in order to notify readers that the City will:

(1) Provide a version translated into the appropriate language upon request; or

(2) Provide sight translation to the customer, which is the process of providing a spoken translation of a document in the LEP individual's first language, as opposed to providing a written translation.

c) Website content should be periodically reviewed and modified so that matters of importance to LEP populations are translated or presented via audio or video media produced in other languages and second language content is kept up to date. Websites and their content should nonetheless include appropriate disclaimers developed in consultation with the Law Department.

d) A system shall be devised providing for the review of new translation needs either on an annual or an ongoing basis, i.e., whenever new forms, documents, letters, website content or other written materials are issued in English.

IV. MDO Plan and Policy

A. MDO shall adopt a language access plan, policy and protocols for its operations, consistent with the provisions set forth in Section III.

1. The Managing Director shall appoint a senior staffer as the Language Access Project Manager to be responsible for coordination, support and oversight of all language access activities within MDO and the operating departments supervised by MDO. The Project Manager shall report directly to the Managing Director.

B. MDO shall gather reports from each operating department and other appropriate information in order to ensure that each is in compliance with this policy. For example, MDO will review hiring data for each department and encourage departmental efforts to hire bilingual staff.

C. Outreach. MDO shall engage in an ongoing effort to inform both the general public and limited English proficient population groups of the Global Philadelphia initiative, the language access policies and plans of MDO and the City's operating departments, the availability of language services, and the City's interest in hiring bilingual staff.

D. MDO will engage in ongoing consultations with advocates and community based organizations regarding implementation of this policy by MDO and the operating departments, areas of concern, changing needs and complaints.

V. MDO Coordination and Assistance

In addition to providing oversight and guidance in the development of departmental plans, policy and protocols, MDO shall also provide the following assistance:

A. Best Practices. MDO shall convene regular meetings of language access coordinators to facilitate development and sharing of best practices.

B. Contracted Services. MDO will centrally procure and coordinate monitoring of contracted language services for in-person interpreting, telephone interpreting and translation and assure that the providers or other entities make training available to department staff.

C. Staff Interpreters. MDO will provide coordination as appropriate to facilitate the use of trained staff interpreters on an inter-departmental basis.

Approved: _____ Date: 12/03/07
Loree D. Jones, Managing Director

GLOBAL PHILADELPHIA

Global Philadelphia Ambassador Role Overview and Responsibilities

Overview

Reflecting broad demographic changes, the City of Philadelphia is growing more diverse. Increasing numbers of those who live, work or spend time in the City are not proficient in English. The City must be capable of delivering services to all residents regardless of their English language ability in order to discharge municipal functions effectively. Whether seeking to protect public health and safety, responding to emergencies or collecting revenues, poor communications between City employees and limited English proficient (LEP) residents will undermine the quality of services rendered. The ability to deliver services in different languages also makes the city a more hospitable location for newcomers to settle, promotes the development of small businesses and facilitates sound emergency management planning.

In addition, the City is obligated by legal mandates to ensure that LEP residents are afforded meaningful access to City services that receive federal financial support, directly or indirectly. Those mandates arise under Title VI of the Civil Rights Act of 1964 and the provisions of the Mayor's Executive Order of September 29, 2001.

As such, in March 2004, the Managing Director's Office (MDO) launched the Global Philadelphia initiative to ensure that all City operating departments developed and implemented language access policies, plans and protocols. As well, on December 3, 2007 the MDO issued Directive 62, a comprehensive language access policy for all operating departments to further compel all operating departments to finalize and implement said policies.

In order to carry out this work and serve as a centralized point person for each operating department, the MDO mandated that each operating department designate one or more Language Access Coordinators, referred to as "Global Philadelphia Ambassadors", at the senior staff level or above, to serve as a liaison to the MDO, department personnel, and community in all matters related to the department's provision of language access services. In this role, they must be granted the time to fulfill their responsibilities as an Ambassador.

The following document details the roles and responsibilities of the Global Philadelphia Ambassador position.

Role

To serve as a liaison to the MDO Language Access Project Manager, department personnel, and community in all matters related to the department's provision of language access services.

Major Responsibilities

Policy Planning and Implementation

- Work with their department to develop a comprehensive language access policy, which includes plans and protocols to carry out said policy, as detailed by MDO Directive 62.
- Consult with stakeholders in devising department language access plans, policies and protocols. In addition to MDO staff, this includes, but is not limited to, language service providers, staff in various units, community advocates and community organizations.

Monitoring

- Collect, track and report language specific data on persons served, the use of language services, and the need for changes in the policy and protocols.
- Develop system to ensure that contractors or grantees of the department comply with the department's language access policy.
- Provide periodic reports of monitoring information and analysis to MDO.
- Attend a quarterly MDO meeting with other department Global Philadelphia Ambassadors to discuss issues related to language access services within their department.

Training

- Organize regular, on-going training of department staff to ensure they are aware of the contents of the department's language access plan and protocols and that newly hired staff are provided language access training.

Outreach

- Work with the department to develop means of notifying the public of the availability of language services within the department and how to access them. This may include such means as: public advertising, community outreach, posted notices in public service areas, tag lines on department documents, the department's content on the City's website, telephone answering systems and other media systems.
- Develop a method to periodically report to and gather input from stakeholders and a procedure to receive and respond to complaints regarding language services.

Provision of Services

- Become familiar with the language access service contracts available through the MDO and serve as central point of contact to vendors in the request and provision of these services within the department.