

EXECUTIVE ORDER NO. 1 - 16

**CITYWIDE POLICY ON LANGUAGE ACCESS AND
THE OFFICE OF IMMIGRANT AFFAIRS**

WHEREAS, in 2015, City Council and the voters of Philadelphia approved an amendment to the Philadelphia Home Rule Charter that added a new Section 8-600 which requires all City offices and agencies, whether within the City Administration under the authority of the Mayor or not, to prepare and implement Language Access Plans to make City government and its services more accessible for people with limited English proficiency;

WHEREAS, the City of Philadelphia consistently seeks to improve and provide excellent customer service;

WHEREAS, it is essential that all residents, regardless of their proficiency in English, have meaningful access to City programs, services, and activities;

WHEREAS, limited proficiency in the English language can prevent people from fully accessing City services and activities;

WHEREAS, the public safety, health, economic opportunity, and general welfare of all City residents, regardless of their level of English proficiency, is furthered by increasing language access to City programs and services;

WHEREAS, according to the 2014 American Community Survey, nearly one in ten Philadelphians are of limited-English proficiency (LEP). Over forty percent of Spanish speakers in Philadelphia are LEP. Combining speakers of, among other languages, Asian and Pacific Island languages, Indo-European languages, and Spanish, approximately 140,000 Philadelphians are LEP;

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits local agencies that receive federal funds from denying benefits to or discriminating against persons on the basis of race, color or national origin under any program or activity receiving such funds;

WHEREAS, pursuant to Presidential Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," executed on August 11, 2000, federally-funded agencies are required to take steps to ensure that people with LEP have access to federally-funded programs and services;

WHEREAS, in September 2001, Mayor John F. Street issued Executive Order No. 4-01 (“Access to Federally Funded City Programs and Activities for Individuals with Limited English Proficiency”), requiring that all City departments, boards and commissions shall take reasonable steps to provide meaningful access to their federally funded programs and activities for persons with LEP;

WHEREAS, Commonwealth Act 172 of 2006 established a program requiring the certification, appointment and use of interpreters in all proceedings, including City administrative agency hearings as well as the Courts, for those parties or witnesses who have limited ability to speak or understand English;

WHEREAS, in December 2007, the Managing Director issued “MDO Directive 62: Language Access Policy and Plan for Operating Departments” (MDO Directive 62), requiring all City operating departments to develop language access plans and protocols for providing service to persons with LEP pursuant to the policies of the Directive;

WHEREAS, in June 2008, Mayor Michael A. Nutter issued Executive Order No. 9-08 (“Access to City Programs and Activities for Individuals with Limited English Proficiency”), requiring all Administration departments, boards and commissions to put in place a language access plan and protocols to carry out their plans;

WHEREAS, in November 2009, Mayor Nutter issued Executive Order No. 8-09 (“Policy Concerning Access of Immigrants to City Services”), providing that all City services shall be made available to all Philadelphia residents, regardless of the person’s citizenship or immigration status;

WHEREAS, the 2015 amendment to the Philadelphia Home Rule Charter requires all City agencies to prepare and implement plans to promote access to City services, compliance with City law and ease of contact with, and participation within, City government for people with limited English proficiency (language access plans); and requires that such plans accord with any generally applicable language access policy established by the Mayor;

WHEREAS, the Charter amendment further requires all City agencies to provide an annual report regarding implementation of their plans to an agency designated by the Mayor to assist in the preparation of such plans and to evaluate agency compliance with their plans;

WHEREAS, in March 2013, Mayor Nutter issued Executive Order No. 3-13 (Immigrant and Multicultural Affairs”), which established the Office of Immigrant and Multicultural Affairs within the Office of the Mayor (MOIMA); and

WHEREAS, it is desirable to relocate MOIMA to the Office of the Managing Director and rename it the Office of Immigrant Affairs;

NOW, THEREFORE, I, JAMES F. KENNEY, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby **ORDER** as follows:

SECTION 1. Definition and Designation of Language Access Policy.

A. “Language Access Plan” shall mean a plan to promote access to City services, compliance with City law and ease of contact with, and participation within, government in the City for people with limited English proficiency.

B. The generally applicable language access policy of the City, pursuant to Charter § 8-600(1)(a), shall be the policy set forth in Managing Director’s Office Directive 62, as such Directive may be revised from time to time.

SECTION 2. Compliance with Language Access Plan Requirements of the Charter.

A. In groupings determined by the Office of Immigrant Affairs and the Managing Director, every City department, office, board and commission under a chain of supervision leading up to the Mayor shall:

- (1) Within 10 days of the date of this order, designate a senior level staff member to act as the language access coordinator to oversee the creation and implementation of a Language Access Plan;
- (2) Prepare a Language Access Plan in accordance with the City’s language access policy and submit the Plan to the Office of Immigrant Affairs pursuant to a schedule beginning June 1, 2016, but not later than September 1, 2016. The Managing Director shall prepare and distribute a schedule by which departments, offices, boards and commissions shall submit their plans to the Office of Immigrant Affairs for review and approval;

- (3) Provide a first annual report to the Office of Immigrant Affairs regarding the status of preparation and implementation of its Language Access Plan by December 1, 2016;
- (4) Fully implement its Plan by June 1, 2017; and
- (5) Annually provide a report regarding the status of implementation of its Plan each December 1 thereafter.

B. All City departments, offices, boards and commissions not under a chain of supervision leading up to the Mayor are hereby advised of their duty to prepare and submit Language Access Plans pursuant to the requirements of Section 8-600 of The Home Rule Charter and its attendant deadlines and are encouraged to follow the guidelines of this Section 2.

SECTION 3. Office of Immigrant Affairs.

A. The Office of Immigrant Affairs (OIA) is hereby established within the Managing Director's Office. The mission of OIA is to: promote the well-being of immigrant communities by recommending and developing policies and programs to provide opportunity and access to City services for members of such communities; facilitate the successful integration of immigrants into the civic, economic and cultural life of the City; and to highlight the contributions and the essential role that immigrants have played and continue to play in Philadelphia.

B. Pursuant to Section 8-600 of the Home Rule Charter, OIA is designated as the entity to:

- (1) Assist City agencies with the preparation of Language Access Plans and annual reports regarding the status of implementation of such plans;
- (2) Receive such annual reports and file them with the Department of Records; and
- (3) Evaluate agency compliance with such plans and all applicable policies and laws, including state and federal law, regarding access to government by LEP individuals.

SECTION 4. Executive Order No. 9-08 (“Access to City Programs and Activities for Individuals with Limited English Proficiency”) and Executive Order No. 3-13 (Immigrant and Multicultural Affairs”) are hereby rescinded.

SECTION 5. This Order shall take effect immediately.

5/12/16
Date

James F. Kenney
James F. Kenney, Mayor