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**CITY OF PHILADELPHIA
OFFICE OF THE MANAGING DIRECTOR**

MANAGING DIRECTOR'S DIRECTIVE NO. 62

**LANGUAGE ACCESS POLICY AND PLAN FOR ALL CITY
DEPARTMENTS**

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Mayor

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I. PURPOSE AND AUTHORITY

- A. The City of Philadelphia (“City”), reflecting broad demographic changes, 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) persons 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.
- B. As reflected in Philadelphia Home Rule Charter Section 8-600 and Mayor’s Executive Order No. 7-16, the policy of the City is to ensure that limited English proficient (LEP) persons can meaningfully access all City services, programs and activities. Commonwealth Act 172 of 2006 also requires the appointment of certified or otherwise qualified interpreters for City administrative hearings to ensure access and due process for LEP persons. The Administration is strongly committed to making City services and information about those services available to everyone, regardless of language barriers. This commitment stems from overall City goals of efficient and effective government, community engagement, and customer service. As residents, workers or visitors who contribute to City life, people with limited English proficiency are entitled to fair and equal access to service.
- C. Pursuant to the requirements of Section 8-600 of The Home Rule Charter, the obligation to plan for and provide meaningful access to services for LEP persons applies to all City departments, offices, boards and commissions, whether or not under a chain of authority under the Mayor. It also applies to City contractors who partner with the City to deliver programs and services.
- D. Mayor’s Executive Order No. 7-16 provides that the generally applicable language access policy of the City, pursuant to Charter § 8-600(1)(a), shall be the policy set forth in this Managing Director’s Office Directive 62.
- E. A sustained effort will be required to make the services provided by each City department and agency accessible to LEP persons. As required under the Home Rule Charter, each City department and agency, whether under the line of supervision to the Mayor or not (individually, “Agency”), must develop a written Language Access Plan (“Plan”) and file annual reports regarding compliance with such plans, in accordance with the generally applicable policies set forth in this Directive.

F. **Plan Overview.** An agency Plan is an administrative blueprint for operational implementation of the City's language access policies and for bringing a City agency into compliance with language access requirements. The plan shall include the following, as detailed more specifically in this Directive:

1. A restatement of the City's generally applicable language access purpose, authority and policies;
2. Designation of a senior staff member as a language access coordinator with prime responsibility for language access planning and implementation
3. Identification of the agency's specific points of contact with the public and areas of service in which contact with LEP persons is likely;
4. Identification of the intended means of provision of language access services in connection with such functions;
5. Identification of key agency documents and other written materials used to interface with the public that are important to providing meaningful access for LEP persons and plans to manage translation of such documents into languages regularly encountered;
6. Identification and description of specific operational protocols for provision of language access assistance in areas where the need for such services have been identified, whether in connection with direct contact or through written materials
7. Identification of services to the public provided on behalf of the City by City contractors and grantees and of mechanisms to ensure implementation of the City's language access policies in connection with contracts grants;
8. Identification of bilingual or multilingual staff available to directly provide language access services;
9. Development of a plan of training regarding the agency's Plan, implementation and protocols.
10. A plan for provision of notice to the public of the availability of language access services;
11. A plan for the collection of data for monitoring the success of implementation of the agency's Plan as well as tracking the languages most encountered;
12. Identification of grievance procedures available for complaints regarding implementation of the agency's Plan; and

13. A timeline for implementing the provision of language access services with regard to specific functions, establishment of priorities in that regard, and a timeline for carrying out the other requirements of the Plan.

G. In order to provide for the implementation of such policy throughout the City, the Managing Director's Office ("MDO") issues this directive on developing Language Access Plans and providing services to LEP persons for all City departments and agencies under the authority of the Mayor and guidance on the development of Language Access Plans by all other City agencies pursuant to the requirements of the Home Rule Charter.

H. Neither this Directive nor related plans, policies, and protocols developed and implemented by various City departments and agencies shall be construed to grant rights to members of the public.

III. GENERAL POLICIES

A. The policy of the City of Philadelphia is 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 and manageable steps to provide LEP persons with meaningful access to services and programs in their primary language to reduce language barriers.

B. It is the policy of the City that it is the responsibility of the City, rather than the LEP person seeking service, to ensure that language barriers are surmounted. The City will take reasonable steps to effectively inform the public, including groups of LEP persons, of the availability of language access services to assist them in obtaining and utilizing City services.

C. Direct Contact with the Public.

1. The City agency, rather than the LEP person, bears the responsibility for the reasonable provision of language services needed to assist the LEP person.

2. Staff at the initial point of contact have the specific duty to identify and assess language access needs. No staff may suggest or require that an LEP person provide an interpreter in order to receive services.

3. Language services should be provided using a specific order of preference:

a. The preferred method of serving LEP persons is by using competent and available bilingual staff able to provide services directly to the LEP person in his or her primary language without the need for an interpreter.

- b. When, staffing and time permit, then available, trained, competent bilingual staff may be used for in- person or telephone interpreting to support other staff.
 - c. Staff should seek assistance from professional in-person or telephone interpreters when staff cannot meet language needs. Telephone interpreters (including staff interpreters) should be generally used for interpreting LEP person telephone contacts. 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 LEP person seeking services. The City contracts with language access providers. The services provided include telephonic interpretation, in person interpretation, document translation and training. The information on how to make these services available to your agency is available through the Office of Immigrant Affairs.
 - d. Use of informal interpreters such as family, friends of the person seeking service, or other customers must be discouraged, with minor children prohibited from acting as interpreters.
 - e. Use of volunteer interpreters from community organizations should be discouraged.
- D. **Document translation.** All forms, website content, applications and other written means of communication with the public deemed important to provide meaningful access to a significant number of LEP persons shall be translated into languages regularly encountered. It shall be City policy to include a multilingual tag line in all vital documents in order to notify readers that the City will provide a version translated into the appropriate language upon request or provide sight translation to LEP individuals.
- E. **Services provided through contractors.** Agencies that provide services through contracts or grants shall establish and enforce language access requirements applicable to such services to ensure compliance with the agency's Plan.

IV. LANGUAGE ACCESS COORDINATORS

- A. One or more senior staff shall be designated by each agency head to be responsible for the agency's language access planning and implementation.
- B. The coordinator shall report directly to the agency head or a top deputy, such as a deputy commissioner, and shall be provided with appropriate time and support to carry out these duties.

- C. The Language Access Coordinator shall be the liaison between the agency and the Office of Immigrant Affairs.
- D. Agencies can also form a Language Access Committee that will work as a team with the agency's Language Access Coordinator to ensure compliance and implementation of the language access plan.
- E. Each agency head shall remain responsible to MDO and the Mayor for complying with the policies and requirements of this Directive.
- F. Appendix A includes a description of the position and its responsibilities.

V. AGENCY LANGUAGE ACCESS PLANS

- A. Duty to File Plans.** Each City agency must prepare a written Language Access Plan (Plan), which Plan must be filed with and approved by the Office of Immigrant Affairs. Plans of agencies under a chain of supervision leading to the Mayor must first file plans pursuant to a schedule disseminated by the Managing Director's Office.
- B. Affirmation of City Policy.** Each Plan shall restate and reaffirm the City's generally applicable language access policies, as set forth in **Section III. of this Directive.**
- C. Direct Contact with LEP Individuals.** Each Plan shall identify the agency's primary points of contact with the public and areas of service provision in which contact with LEP persons is most likely, whether through direct services to the public in the community, at city offices or counters open to the public, online, through telephone services or otherwise. For each such area of contact with the public and area of service provision, the agency shall identify the means of provision of interpretation and translation services, if needed, in connection with such functions.
 - 1. Provision of interpretation services shall be prioritized pursuant to the generally applicable policies set forth in Section III.
 - 2. In-house staff must be identified for use as interpreters.
- D. Language Service Protocols – Interpretation.**
 - 1. To supplement existing in-house language skills, the department must determine where telephonic or in- person interpretation services are needed to assist LEP individuals. Instances where interpretation services will regularly be provided shall be identified.
 - 2. Specific protocols for utilization of interpretation services must be identified or developed that emphasize ease of use, with minimal

approval or documentation required.

3. Protocols must also instruct staff on how and when to procure interpretation services. Language services should be provided upon request or whenever deemed appropriate by staff.
4. Agencies should recognize that certain circumstances may require specialized interpretation and translation services even when staff with bilingual abilities are available.

E. Document Translation.

1. The Plan shall identify a system to review all forms, letters, documents and website content used by the agency in connection with the public to determine which are vital documents and are important to providing meaningful access to LEP persons.
 - a. At a minimum, it shall be City policy to translate such documents into the languages comprising 5%, of those actually or potentially served by the department or 1,000 such persons, whichever is less.
2. The agency must provide a plan to translate such documents into languages regularly encountered.
3. The Plan shall identify or provide for development of a protocol to ensure inclusion of a multilingual tag line in all vital documents in order to notify readers that the City will:
 - a. Provide a version translated into the appropriate language upon request; or
 - b. Provide sight translation to the LEP person, which is the process of providing a spoken translation of a document in the LEP person's first language, as opposed to providing a written translation.
4. The Plan shall identify a system for periodic review of Website content and Website modification so that matters of importance to LEP populations are translated or presented via audio or video media produced in other languages and so that such content is kept up to date.
5. The Plan shall identify planned steps to translate public website content and electronic documents that contain vital information about agency programs and services into languages regularly encountered.
6. The Plan shall identify a protocol or provide for the development of a protocol 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 for use with the public are prepared.

F. Bilingual and Multilingual Staff

1. **Inventory.** Plans shall identify existing bilingual staff who are competent to deliver services directly in a second language, or to serve as interpreters for other employees. Languages the employee speaks must be identified in the Plan as well as contact information.
2. **Hiring.** Agencies with significant customer service functions should include a plan to develop in-house language capacity through regular hiring of employees with specific language skills. The plan should involve appropriate designation of job openings and notification to the Department of Human Resources of hiring needs for bilingual staff.
3. **Staff interpreters.** The Plan should recognize that competent and trained bilingual staff can also function as interpreters for other staff, when needs and staffing permit. However, bilingual staff should not be kept from their official functions in order to interpret. When need, staffing and time permit, then bilingual staff can also function as interpreters.
4. **Language sensitive assignments.** Subject to any applicable legal requirements, agencies 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 agency without imposing unfair burdens on bilingual staff.

G. Designation of Implementation Staff and Training Staff Regarding Plan Implementation

1. A language access coordinator for the agency shall be identified, as more fully described in **Section IV** above.
2. Representatives of the agency with primary responsibilities for implementation of the Plan shall be designated, with specific roles identified.
3. **Training.** The Plan shall include plans for training staff with respect to the agency's Plan and implementation of its plan, including how to access language assistance services.
 - a. The agency 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 promptly provided language access training.
 - b. 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.

- c. Training should be mandatory for staff who have the potential to interact or communicate with LEP persons for staff whose job it is to arrange for language assistance services, and for managers.
- d. Training should explain how staff can: identify the language needs of an LEP person; access and provide the necessary language assistance services; work with interpreters effectively and efficiently; request document translations; and, document and track the language preference of LEP persons who have contact with the department.
- e. If bilingual staff will be used as in-house interpreters for other staff, the agency must provide training on how to function as an interpreter as well as the protocol for when and how to use in-house interpreters.

H. Provision of Services through Contractors. The Plan must address Services to the public that are provided through contractors or grantees. Where such services are likely to be provided to LEP persons, the agency must identify the method it will use to ensure that third-party service providers funded by the City have their own plans in place for addressing the needs of LEP persons.

I. Notice of the Right to Language Access

- 1. **Notice.** The Plan must address the need to inform the public of the availability of language services and how to access them, whether through public advertising, community outreach, posted notices in public service areas, tag lines on department documents, the agency's content on the City's website, telephone answering systems or other media systems.
- 2. All Plans shall be made available to the public through the Office of Immigrant Affairs' official website.

J. Data Collection. Monitoring and Performance Measures

- 1. **Data.**
 - a. Plans shall address the means by which the agency will gather and analyze data on the language needs of those who use the agency's services.
 - b. Agencies 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 such individuals, 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.

- c. Agencies must establish a means to review what systems are available or are needed to allow the agency to accurately record and monitor data on the language needs of people who receive service and whether changes are needed to data systems to track whether based on changes in practices language services are provided in subsequent contacts. Language data will also be needed to inform ongoing needs assessments and priority setting by language.
- d. 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.

2. **Monitoring.**

- a. The Plan must provide for a system to periodically monitor agency compliance with City policy and requirements, gather language specific data on persons served and the use of language services, and address the need for changes in the agency's Plan and protocols.
- b. 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.
- c. A system must be set up to similarly ensure that contractors or grantees of the agency comply with the agency's Plan as it is addressed to them.
- d. The Plan should further provide for periodic reporting of monitoring information and analysis to MDO.

3. **Performance Measures.**

- a. The Plan must include a method for developing performance measures appropriate to the agency's Language Access Plan and agency operations. The Plan should provide for a system of measuring performance against these measures which may include the periodic surveying of LEP persons and evaluation of services provided.

K. Language Access Grievance and Complaint Procedures

1. Plans shall provide a method of informing the public with whom the agency interacts how to file a language access grievance and a formal complaint regarding an alleged failure by the agency to provide adequate language access for LEP persons.
2. **Grievances.** If a person would like to file a language access grievance against any agency in that regard, he or she can file a complaint with the Office of Immigrant of Affairs. The Office of Immigrant Affairs will forward complaints to the relevant agency.
 - a. A complaint can be made orally or in writing.
 - b. The agency will have 14 days to respond to a complaint and notify the complainant of the resolution.
 - c. The agency will also notify the Office of Immigrant Affairs of the response to any complaints forwarded by the Office of Immigrant Affairs.
 - d. Each Plan shall explain the opportunity to make complaints and the procedure for doing so listed above.
3. **Formal Complaint Procedure.** Each Plan shall explain that all people in Philadelphia, whether a resident or visitor, regardless of immigration status, has a right to file a formal complaint with the Philadelphia Commission on Human Relations for relief and provide contact information for the Commission.

L. Timeline for Implementation

1. The Plan shall include a timeline which shall set forth specific deadlines for when specific elements of the Plan, such as when protocols applicable to a particular function of the agency where language access services are needed will be made operational or when certain key documents of the agency will be provided to the public in translation.

V. ANNUAL REPORTS

- A. Pursuant to the requirements of Charter Section 8-600 and EO 7-16, all agencies shall file an annual report with the Office of Immigrant Affairs, with a copy to be filed with the Department of Records, regarding the status of preparation and implementation of its Language Access Plan, by December 1 of each year, in accordance with additional guidelines to be provided by the Managing Director's Office.
- B. Data collected and performance monitoring information developed pursuant to Section IV.I. of this Directive must be included in such annual reports.

VI. ROLE OF THE OFFICE OF IMMIGRANT AFFAIRS

- A. The Office of Immigrant Affairs (OIA) within the Office of the Managing Director shall:
 1. With the approval of the Managing Director, update these guidelines as necessary.
 2. Assist City agencies with the preparation of Language Access Plans and approve Plans filed with it.
 3. Make approved Plans publicly available.
 4. Receive annual reports regarding the status of implementation of such plans and file them with the Department of Records.
 5. Evaluate agency compliance with such plans and all applicable policies regarding access to government by LEP individuals.
 6. Monitor and investigate language access complaints filed with respect to agency provision of language access services.
 7. In addition to providing oversight and guidance in the development and implementation of agency plans, OIA shall also provide the following assistance:
 - a. **Best Practices.** OIA shall convene regular meetings of language access coordinators to facilitate development and the sharing of best practices.
 - b. **Contracted Services.** OIA, in coordination with the MDO, will centrally procure contracted language services for in-person interpreting, telephone interpreting, translation and training.

Approved: 
Michael DiBerardinis, Managing Director

Date: 5.16.16

DUTIES AND RESPONSIBILITIES FOR THE LANGUAGE ACCESS COORDINATOR

Appointment of a senior staff member as language access coordinator

The Mayor is committed to eliminating language barriers as we promote the general welfare of all Philadelphia residents and reduce inefficiencies in service delivery.

Each Commissioner shall appoint a senior staff member to oversee the execution of your agency's language access policy and implementation plan. This senior staff person will be responsible for developing and implementing a language access plan and reporting on the plan to the Commissioner, who is accountable for agency outcomes related to language access. Language access coordinators will also set up and coordinate language services for their department, office, board, or commission. Language access coordinators should have the authority to drive the creation of internal policies and procedures, make important decisions, and influence front-line practices as they relate to the delivery of language assistance services.

Please have the name of your agency's language access coordinator to the Office of Immigrant Affairs by **Monday, May 23rd**. Email the name to Orlando.Almonte@phila.gov subject line, "Language Access Coordinator"

Role

- Act as the liaison between Department and the Office of Immigrant Affairs.
- Advise the Commissioner or head of the office, board, or commission on language access policy, protocol, plan implementation, and related language access issues.
- Act as lead of the Language Access Committee, if your department chooses to create one.
- Act as key point person for implementation and accountability of the department's language access plan.

Policy Planning and Implementation

- Work with their department to develop a comprehensive language access plan, which includes protocols to carry out the plan. This plan shall be in accordance with all Executive Orders and MDO directives.
- Consult with stakeholders in devising the department language access plan, policies and protocols. This may include, but is not limited to, language service providers, staff in various units, community advocates and community organizations.

Annual Report

- Write and file the department's annual report as required by the Philadelphia Home Rule Charter, §6-800 (1)(c).
- Provide periodic updates of monitoring information and analysis to Office of Immigrant Affairs.

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Training

- Establish a training schedule and 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.

Provision of Services

- Become familiar with the language access service contracts available through the Office of Immigrant Affairs and serve as central point of contact to vendors in the request and provision of these services within the department.
- Serve as a resource and troubleshooter for staff on using language services.
- Handle complaints and receive other feedback about use of language services.
- Serve as the point person for correspondences with OIA regarding billing and invoicing.

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.
- Develop a procedure for the department to receive and respond to complaints regarding language services.
- Attend meetings with other department Language Access Coordinators to discuss issues related to language access services within their department.

The following schedule and list of tasks is a starting point: departments should add or modify as appropriate for their programs and activities.

June 2016- September 2016

- Create and submit the Agency 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.
- Identify and prioritize documents for translation into plain language and foreign languages;

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- Create or revise a clear internal process and timeframe for resolving language access complaints according to the guidance provided by the Managing Director’s Office and the Office of Immigrant Affairs.

September 2016-October 2016

- Work with the Office of Immigrant Affairs to prepare for implementation of the Language Access Plan.
- Provide notice of language assistance services to residents.

October 2016—November 2016

- Develop a schedule for staff training on language access and cultural competency
- Learn how to make your website more accessible to LEP persons; and

December 2016

- Finalize training for staff on language access and cultural competency to be implemented in 2017
- Write annual report and send to OIA by December 1st to be filed with the Department of Records

January 2017

- Implement training of all staff

March 2017

- Survey staff on how often they use language services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language services in place are meeting the needs of the LEP communities in your service area;
- Identify and prioritize the languages that you should consistently accommodate using existing staff versus languages where you may need to seek external language services to communicate with LEP individuals;
- Estimate the costs of providing language access services in FY 2016 and project the department needs for FY 2017

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- Solicit feedback from community-based organizations and other stakeholders about the agency's effectiveness and performance in ensuring meaningful access for LEP individuals; and
- Engage with ethnic media to maximize outreach and communicate agency key messages to LEP individuals; and

June 2017

- Language Access Plan to be fully implemented
- Monitor, evaluate and update the agency's language access policies, procedures and plan.
- Conduct customer satisfaction surveys of LEP applicants and beneficiaries based on their actual experience of accessing the agency's programs, benefits or services;