2014-2015 LANGUAGE SURVEY AND IMPLEMENTATION PLAN ONLINE SYSTEM TRAINING

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OVERVIEW OF THE DYMALLY-ALATORRE BILINGUAL SERVICES ACT BACKGROUND

Dymally-Alatorre Act Government Code Section 7290-7299.8 requires agencies to provide language access services to its non-English limited English speaking clients and conducting a language survey every two years

CalHR is required to inform departments of their responsibilities under the Act; to provide guidance and technical assistance when conducting the survey. Remember, surveys are due every even numbered year. CalHR uses survey information along with the Implementation plans of each agency to and incorporates finding and recommendations to a report to the Legislature every two years

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BACKGROUND

- Departments are required to comply with the requirements of the Act (identify their public contacts and public contact employees and ensure it has resources to afford an equal level of service. The Act also states that even though an agency does not meet the 5% threshold, this should not discourage them for provide services to its non-English speaking clients
- Conduct an accurate and meaningful survey; the survey identifies the public contacts, public contact employees, local offices and uses a formula built in the system that identifies those languages that met the 5% threshold and are indicators of deficiencies
- Analyze data to ensure it is accurate
- Submit survey results to CalHR

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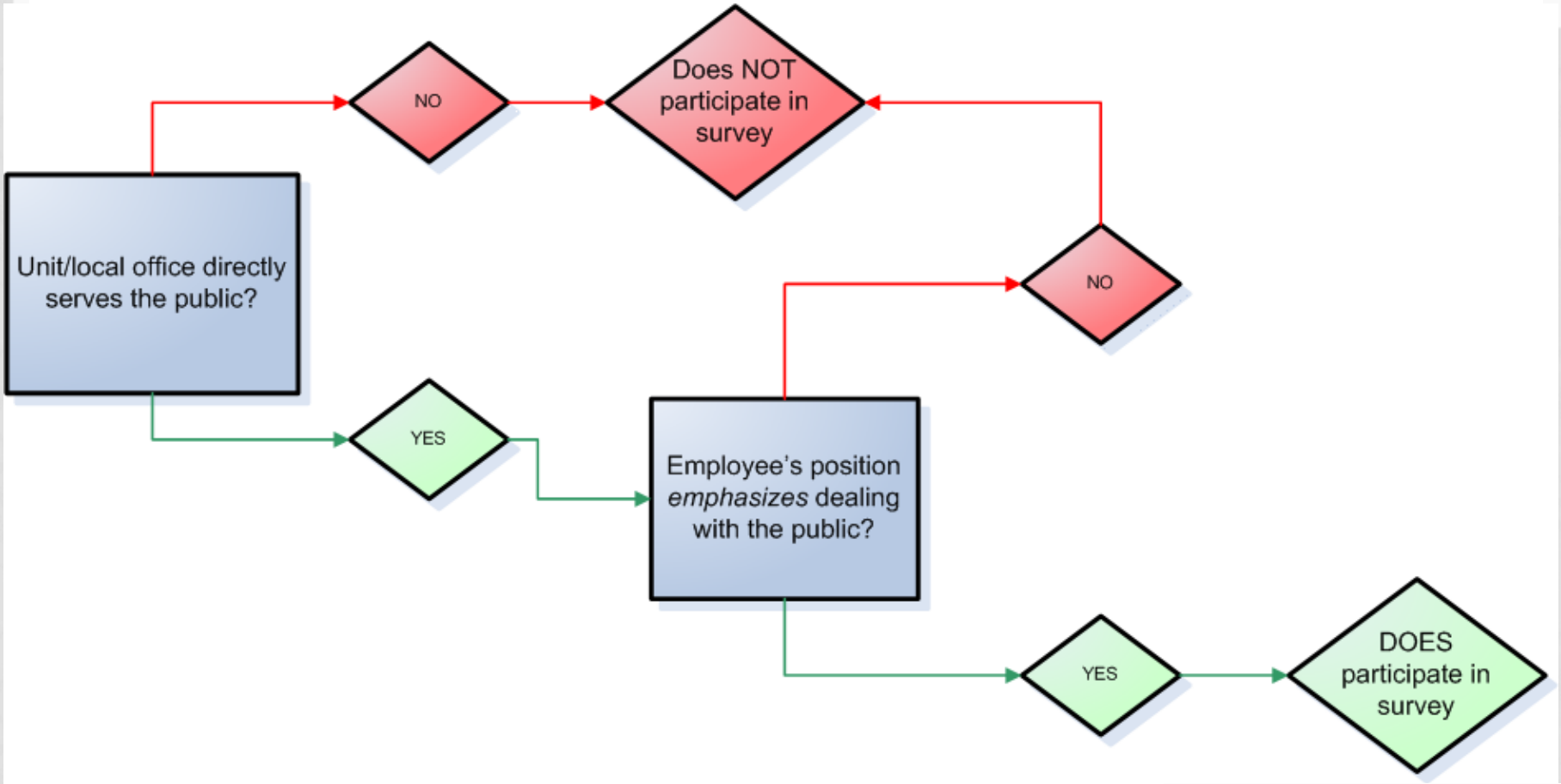
WHO PARTICIPATES IN SURVEY?



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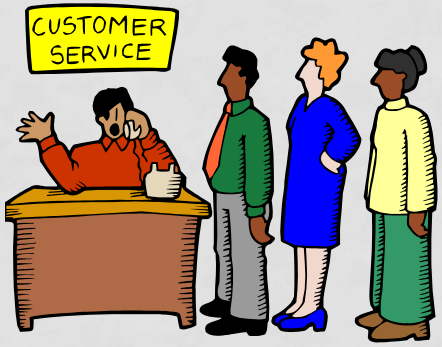
WHAT IS A PUBLIC CONTACT?

- Contact with an individual from the public that is related to the performance of the agency's functions.
  - Written (email, letter, fax) or
  - Verbal (in-person, telephone).
- **Does not** include contacts with other state employees, or employees, officers or representatives of other governmental agencies



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PUBLIC CONTACT: YES OR NO?

• Medi-Cal recipient	**YES**
• Driver's license applicant	**YES**
• Unemployment insurance applicant	**YES**
• U.S. Dept. Agriculture auditor	**NO**
• Retiree's widow	**YES**
• Legislative staffer	**NO**
• Person seeking directions to non-State entity	**NO**
• Job seeker	**YES/NO**

When in doubt, consult with your Legal staff

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HOW SHOULD THIS BE TALLIED?

- Man speaks English with thick Spanish accent.
  - **ENGLISH** contact – unless he cannot be effectively served in English.
- Woman has Vietnamese surname.
  - Not a survey of ethnicity or country of origin. **ENGLISH** contact.
- Letter is written in English, but with incomplete sentences, misspellings. Writer's surname is Chinese.
  - **ENGLISH** contact. Agency should determine whether a Cantonese or Mandarin-certified employee should call or write back. If so, the return contact is recorded in that non-English language.

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HOW SHOULD THIS BE TALLIED? (CONT.)

- Woman asks, "Habla Espanol?"
  - Customer is seeking services in **SPANISH**.
- Man brings daughter to counter to translate for him into Korean.
  - If daughter is under 18, employee should seek agency-provided translator (certified staff or interpreter service)
  - **KOREAN** contact.
- Woman speaks Japanese to companion when in line, then uses English when talking with counter representative.
  - **ENGLISH** contact, unless there are difficulties serving this person and an interpreter is needed.

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LS COORDINATORS

- You are a "Master User"
- Log-in at CalHR's Language Survey log-in page:
- **2014-2015 Language Survey and Implementation Plan (LSIP) Online System**

NEW MASTER USER

- Should be ONLY those permitted access to your entire online survey, including data from all units, action plans, etc.
  - Each participating agency has 1 LS Coordinator (who is Master User), may have additional Master Users
  - CalHR must validate (allow 24 hours)
- Current Master User can log in and set you up
- Or register as Master User via log-in screen

FORGOT ID OR PASSWORD?

- Submit request in log-in screen
- Automated, instantaneous reply
- CalHR staff do not have access to your password

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LS COORDINATORS

- Once logged into CalHR's automated system:
  - Check Master User Log-in IDs and update, as necessary
  - Go to Administration Page
  - Agencies that participated in 2012 survey have contact and organizational structure information in the system
  - This information may be updated by a Master User.

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SURVEY MASTER USERS

- Check Master User Log-in IDs and update, as necessary
- Agencies that participated in the 2012 survey have information already in the system

REPORTING GROUPS AND LOCAL OFFICES/UNITS

- **Reporting Group** - Contains a cluster of units with related functions or under the same management
- **Unit Name -** The name of the office or unit in which the public contact employee collecting the data is employed
- Spell out name – no abbreviations

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REPORTING GROUPS AND LOCAL OFFICES/UNITS (CONT.)

- Conducted Survey in 2012? Review information in online system and revise/add, as needed
- New agency? Identify/select those with **public contact** , according to the organizational structure, divisions, or according to the functions or needs of the agency

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REPORTING ASSISTANTS

- Assigned to specific Reporting Group
- Use is optional. May assist with the following:
  - Identifying Public Contact Employees (PCE)
  - Interacting with local management
  - Training PCE
  - Collecting survey tally sheets
  - Entering PCE and Public Contact data into online system
  - Other assistance as required

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REPORTING ASSISTANTS (CONT.)

- Carried-forward in online system
- Review and delete/update as necessary
- Set up new Reporting Assistants
- They receive automated message from system asking them to log in and determine new password

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SURVEY DATES

- 10 days of your choosing
- Can be 2 business weeks, or may include weekend days
- All participating employees (PCE) record Public Contacts on those 10 days

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PREPARE TALLY SHEETS

- One per PCE, per survey week
- Personalize and print
- Online form; can save to your PC
- Print each as you update it; form does not save data

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FACILITATE THE SURVEY WITH STAFF

- Define what constitutes a Public Contact for your agency
- This is not an ethnicity survey; survey language spoken by the public
- Inform Public Contact Employees (PCE) of their responsibilities during Survey
- Prepare and distribute Tally Sheets
- PCE logs all Public Contacts, including English contacts
- Indicate language member of the public seeks services in

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ENTER PCES AND LANGUAGE SPOKEN

- Click on the Unit name to enter Public Contact Employee information totals, by language.
  - English-only, with Full-time (FT), Part-Time (PT), Intermittent (Int) with weekly hours
  - Other language, with FT, PT, Int
    - Certified Bilingually Fluent
    - Not Certified
  - PT—online system calculates at 20 hours/week.

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ENTER PUBLIC CONTACTS

- Collect all Tally Sheets and sort by Unit.
- In separate document (Excel or other), total Public Contact totals, by language.
  - Check to be certain all Tally Sheets include English contacts
- In online system, click on Unit and enter totals, by language

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INTERNAL POPULATION TALLY SHEET

- Agencies that have facilities must report their "internal populations" separately.
  - Corrections and Rehabilitation
  - Developmental Services
  - Education
  - Rehabilitation
  - State Hospitals
  - Veterans' Affairs

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INTERNAL POPULATION TALLY SHEET (CONT.)

- Calculate patient-to-staffing ratios.
- Determine what, if any, additional staffing and/or bilingual resources are required.
- For any ratios that are below English language ratio, attach written plan that details how department meets its responsibilities for providing appropriate level of language access.

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DATA REVIEW

- Once ALL PCE and Public Contact data is entered, review Units by Reporting Group report.
- Review data for accuracy
  - Units with no Public Contact Employees.
  - Units with no Public Contacts.
  - Units with no English contacts.
  - Units with unusual or unexpected non-English language contacts.
- View resulting "indicators of deficiency."

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POSITION DEFICIENCY ANALYSIS

- View resulting "indicators of deficiency."
- Analyze, investigate – Do these indicate ACTUAL bilingual staffing deficiencies, or not?
  - Distortions of scale – many PCEs or small number of contacts
  - Are needs met by other means (other units, interpreter contract)?
- If NOT Actual deficiencies, explain why – for each – in separate document
- Upload Analysis

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POSITION DEFICIENCY CORRECTIVE PLAN

- For each item that your Analysis concluded was NOT an Actual deficiency, change deficiency data to "0" (under "Actual Position Deficiency")
  - Leave other boxes blank
- For those that ARE Actual deficiencies, complete the two right columns:
  - Proposed Action to Correct Actual Deficiency
  - Date by which deficiency will be corrected
  - If more room needed, upload document.

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TRANSLATION OF WRITTEN MATERIALS

- Three steps:
  1. Identify which written materials are REQUIRED (by the Act) to be translated into 5% languages
  2. Identifying whether or not these HAVE BEEN translated
  3. If not, describe your plans to meet this need for your non-English speaking public and by when

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IDENTIFYING WHICH MATERIALS MUST BE TRANSLATED, PER THE ACT

Step 1

- See G.C. § 7295 – 7295.4
  - 7295 – "Any materials explaining services available to the public shall be translated …"
  - 7295.2 – "… which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency."
  - 7295.4 – "… if (a) and (c) or (b) and (c) …distribute applicable materials … or [through alternative means] …"

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TRANSLATED INTO WHICH LANGUAGES?

Step 1

- Language met 5% threshold in one or more Units
- Must all Act-covered materials be translated into these languages?
- Must materials be translated verbatim, in print?
  - No – see 7295.4

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Step 2

STATUS OF MATERIALS TRANSLATION

- Identify which materials have been translated into 5% languages, and which have not.
  - Materials you indicated in 2010 Supplemental Questionnaire had already been translated appear in the 2012 online system.
- Update or delete existing materials listed
- Add other materials, as appropriate

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WRITTEN MATERIALS CORRECTIVE PLAN

Step 3

- Displayed any "No" (not translated) materials from previous page
- Indicate how you plan to address this deficiency
  - Have document translated into 5% language
  - Have interpreter or certified bilingual employee explain or paraphrase on as-needed basis
  - Other (describe)
- Date by which it will be addressed

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ANTICIPATED VACANCIES

- Identify how many vacancies in Public Contact positions are anticipated

BILINGUAL SERVICES POLICY

- Should be revised every 2 years
- Communicate agency's commitment to comply with provisions of the Act
- Informs all employees of their responsibilities for providing language access to persons seeking agency services
- Identifies bilingual resources available

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REPORTS

- Agency Summary
- Reporting Group Summary
- Unit Summary
- Units by Reporting Group
- Units Meeting 5% Threshold

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PROCESSES AND PROCEDURES

You are required to provide detailed processes and procedures regarding how your agency:

- Identifies written materials that require to be translated.
- Identifies language needs at local offices and assigns qualified (certified) bilingual staff to these offices.
- Recruits qualified (certified) bilingual staff.
- Trains staff on how to provide services to non- or limited-English speaking individuals and the frequency of training (most recent date training was provided).

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PROCESSES AND PROCEDURES (cont'd)

- Accepts and resolves complaints of an alleged violation of the Act, e.g., failure to make available translated documents or provide interpreter services through bilingual staff or contract.
- Complies with any other federal and/or state laws that require the provision of linguistically accessible services to the public.
- Demonstrates any best practices established to ensure an equal level of service to your non-English speaking public is being provided. This may include translation of written materials that are not required by the Act.

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SUBMITTALS?

- Position Deficiency Analysis (if applicable)
- Actual Position Deficiency Corrective Plan (if applicable)
- "Units by Reporting Group/All Reporting Groups" Report
- Print out of Language Survey Responses
- Director's Transmittal Form
  - Signed by agency's most senior executive (or someone with signing rights for him or her)
- Submit all to CalHR by October 1

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THANK YOU !

QUESTIONS, PLEASE SEND EMAIL TO:
BILINGUAL@CALHR.CA.GOV

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