



**KNOW
YOUR
RIGHTS**

Language Access In The District:

An Annual Compliance Review and 5-Year Checkpoint

Executive Summary



Office of Human Rights
DISTRICT OF COLUMBIA

Gustavo Velasquez, Director



District of Columbia
Adrian M. Fenty, Mayor

Table of Contents

I. Letter from the Director	
• Letter	3
II. Executive Summary	
• Background	5
• Oversight	5
• Compliance Monitoring	6
• Focus and Methods	6
• Compliance Results At A Glance	12
• Comparative Results	13
• Closing	15
• OHR Recommendations	15
III. Appendix A	
• Table 1: Phased Compliance by Fiscal Year	19
• Table 2: Compliance Snapshot for the District	20
• Table 3: Public Accommodations Test Results	21

Mayor Adrian M. Fenty,

I respectfully submit to you, other District elected leaders, and community stakeholders and citizens, the 2009 report on Language Access. This report reflects the progress District government has made during fiscal year 2009 in fulfilling the mandate of the Language Access Act of 2004.

According to this landmark civil rights legislation, the District must provide equal access to limited English persons to a wide range of government programs and services. Your continuing direction to make Language Access as broad and deep as possible in the District has been the leading factor in the gradual improvement during the last three years. Your determined call for increased accountability has supported the Office of Human Rights into developing stronger monitoring and evaluation methods.

Immigrants in the United States often face multiple barriers to succeed in society. When English-speaking limitations exist, worrying about accessing public services and information should not be one of those barriers. As taxpayers and productive contributors to American ideals, immigrants deserve the same benefits government offers to everyone else.

We are extremely fortunate to live and work in one of the most inclusive and progressive cities of the world. The District of Columbia not only stands out for the vast and far reaching civil rights protections against discrimination and unfair treatment, but it is also at the forefront of protecting other human rights that, I believe, are undeniably inherent to any person. These human rights include the right to proper communication in your own language, and the right to protecting and preserving your identity.

Language Access protections are often under attack for the relationship they have to immigration policies. Nonetheless, it is an irrefutable fact that providing public services and information in other languages pays larger dividends to the community in the long run. Providing services in other languages maintains the community as a whole safer, healthier, and more prosperous economically, educationally, and culturally.

Year 2009 marks five years of the passage of the DC Language Access Act. The first five years served to set the stage across District government about the requirements and obligations we have towards serving people with limited or no English knowledge. During this time, serving people in other languages became part of – instead of an add on to – the strategies for better customer service and customer operations.

As we prepare for the next five years, our recommendation that the agenda for Language Access also becomes part of a human resources strategy that leads to a more diverse workforce: a workforce that appropriately reflects the multilingual needs of the District's population. In the long run, this strategy will support the legal mandate of Language Access while reducing cost to the government. However, this strategy requires a delicate balance between existing functions and requirements of government employees and the additional effort, qualifications, and expertise that is required when serving the needs of non English speaking constituents.

This report outlines both overall progress and individual agency/department compliance towards the legislative and programmatic Language Access requirements. As a matter of a general comparison between fiscal years 2008 and 2009, we can objectively attest to a moderate but **consistent improvement in** the systems and practices across all

34 evaluating agencies. This improvement is measured by monitoring and evaluating factors such as the number of foreign language translations and interpretations, outreach to immigrant communities, as well as telephonic, mail, and in-person testing in other languages.

The following is a summary of the progress and areas for improvement as we strive to fully implement the provisions of the District's Language Access Act.

Sincerely,



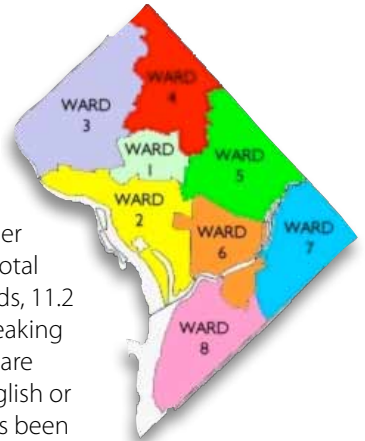
Gustavo F. Velasquez
Director

Executive Summary

Ensuring the Provision of Language Services in the District of Columbia

Background

The change in face and voice of the District of Columbia since the late 1900's is evident. Ranking seventh out of the top ten metropolitan areas in the nation with the largest foreign born population, the Washington Metropolitan Area (DC/MD/VA) experienced a 25 percent increase in its foreign born population and joined New York, Los Angeles and Chicago as a "gateway" for immigrants in the year 2000.¹ Presently, Washington, D.C. is home to over 74,000 immigrants (12.6 percent of city's resident population) of which 28.4 percent acknowledged a language barrier by self-identifying as individuals who speak English "less than very well" (4.6 percent of the city's total resident population).² More troubling is the fact that 19.3 percent of Spanish-speaking households, 11.2 percent of households speaking other Indo-European languages, 17.1 percent of households speaking Asian and Pacific Islander languages, and 17.2 percent of households speaking "other" languages are linguistically isolated, meaning that all persons ages 14 and over in the household are limited English or non-English proficient ("LEP/NEP").³ Consequently, this vulnerable segment of the population has been held at bay with minimal access to critical services or opportunities to successfully integrate into the community at large. Lack of ability to communicate and subsequent challenges faced when interfacing with local government fueled the advocacy for and ultimate enactment of the D.C. Language Access Act of 2004.



The purpose of the D.C. Language Access Act ("Act") is to provide LEP/NEP individuals access and participation to the District's public services, programs, and activities at a level equal to English proficient individuals.⁴ The Act's approach is holistic in the sense that it does not marginalize the needs of this population solely to one subfield of immigrant integration, such as healthcare. On the contrary, it requires District agencies to provide in-language services, both oral and written, to residents when applying for food stamps, requesting police protection, registering a vehicle, receiving mental health treatment, and enrolling a child in public school—all integral services to an individual's livelihood. By law, agencies that are identified by name in the Act and by regulation are required to complete a biennial language access plan that is to be reviewed, revised, and renewed every two years. Said agencies are also responsible for assigning the role of Language Access Coordinator⁵ to an individual whose duties consist of implementing and monitoring the plan's goals/objectives within their organization.

Oversight

Oversight of the Act's implementation rests with the D.C. Office of Human Rights ("OHR"). In August 2004, the OHR established a citywide Language Access Program ("Program") with a mission to effectuate change within the government by researching best practices, tailoring existing measures to fit the needs of the District, and instituting

¹ Audrey Singer, *At Home in the Nation's Capital: Immigrant Trends in Metropolitan Washington* (Brookings, 2003).

² Migration Policy Institute Data Hub: <http://www.migrationinformation.org/datahub>

³ Migration Policy Institute Data Hub: <http://www.migrationinformation.org/datahub>

⁴ D.C. Law 15-167, D.C. Official Code §2-1931 et seq.

⁵ The Coordinator responsibilities are "added duties as assigned." In other words, these are not full-time positions.

policy that both reflects the law's intent and meets the needs of the target population. The Program aids, guides, and monitors 34 District agencies⁶ in their implementation of the following requirements: (1) Data collection on language(s) spoken by their consumer base; (2) Provision of oral language services; (3) Provision of written translations of vital documents; (4) Linguistic and cultural competency training for staff;⁷ and (5) Community outreach and education. The Program supports the investigation of all allegations of noncompliance with the law that are brought forth to the Office and issues such findings when warranted. Five determinations were issued in fiscal year 2009 from cases that had been filed in fiscal year 2008 of which two were found to be in violation of the law. **Five** cases were also docketed during fiscal year 2009 for investigation.

Compliance Monitoring

Focus

In order to better assess agencies' efforts in providing equitable access to services to their LEP/NEP consumers, OHR has established a mandatory planning and reporting process for the District. Compliance monitoring plays a critical, albeit challenging role in measuring language access implementation. The Language Access Program monitors 34 District agencies' observance of their legal obligations under the D.C. Language Access Act by way of the following:

- (1) Reviewing their pre-established goals as prescribed in their biennial language access plans to determine what it is the agencies have set out to provide and the desired quality;
- (2) Reviewing agencies' quarterly reports to determine if services are being provided; and
- (3) Regularly communicating with Language Access Coordinators to determine if the services are being performed according to their plans.

OHR also enforced a component of "fiscal monitoring" by requiring agencies to report on costs incurred when providing interpretation and translation services. The thought process behind this is to focus on whether program cost information is reasonable to achieve program objectives, as well as to begin to assess the cost of implementing this law for the District. What we saw as a result of this data gathering is the following:⁸

Type of Service	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total Cost
Live Interpretation	\$13,642	\$18,949	\$34,840	\$19,120	\$86,551
Telephonic Interpretation	\$125,897.89	\$126,901.42	\$167,282.32	\$119,917.84	\$539,999.47
Written Translation	\$78,652.77	\$48,069.34	\$26,941.63	\$84,202.71	\$237,866.45
Total Cost	\$218,192.66	\$193,920	\$229,064	\$223,241	\$864,416.92

⁶ See Table 1 in Appendix A for a full listing of agencies. An additional ten agencies to the original 25 were named by regulation as "covered entities with major public contact" in June 2008. These agencies are listed under the category "Phase V." Note: Department of Youth Rehabilitation Services is no longer considered a "covered entity with major public contact" as of March 2009.

⁷ The Language Access Program trained over 700 District employees and 40 providers from 15 agencies on the law's requirements in FY09.

⁸ It is important to note that not all agencies reported figures as required nor did all agencies report entire figures of cost incurred.

However, compliance monitoring is limiting in that it places less emphasis on the quality and outcomes of the programs and services agencies are prescribed to provide and more emphasis on ensuring that all items on the legislative “checklist” are adhered to. OHR incorporated public accommodations testing in fiscal year 2009 as an evaluative tool to assist in mitigating this concern.

Methods

A. Self-Reporting

Sixty percent of agencies’ compliance rating was based on quarterly report submissions.⁹ Progress on each legislative and programmatic requirement was rated based on agencies’ self-reported evaluation as prescribed in their biennial language access plans.¹⁰ Agencies were required to provide a quarterly status for each of the following requirements:

- (1) Collect data on the languages spoken by the agency’s LEP/NEP clients on a quarterly basis;
- (2) Provide oral interpretations to LEP/NEP populations, as needed and requested;
- (3) Develop, revise, and/or translate contents of agency’s archive of vital documents;
- (4) Conduct recruitment activities for bilingual staff;
- (5) Conduct a minimum of one cultural competency-related training session per fiscal year to ALL agency staff that fills a public contact position;
- (6) Train agency staff (mandatory for those who fill a public contact position) on telephonic interpretation services and usage;
- (7) Train ALL agency staff on the agency’s language assistance activities/resources;
- (8) Conduct outreach activities to each LEP/NEP community served by the agency that meets the “3% or 500 individuals” threshold; and
- (9) Conduct a minimum of one (1) public meeting per fiscal year within the BLAP period.

Upon review of each report, OHR assigned a rating of “fully met” worth 2 points for each requirement that was completely met; “partially met” worth 1 point for each requirement that was partially met or not fully responded to; and “not met” worth 0 points when the requirement was either not met or no information was provided indicating otherwise. Some agencies received a rating of “no rating” for requirements that were not applicable based on particular circumstances. For example, if an agency faced a hiring freeze it may not have been feasible or appropriate for them to recruit for bilingual staff. In this case, an agency would not be penalized for not submitting information on this requirement only *if* the OHR was fully informed of the situation and the agency justified its position.

B. Testing

For this compliance period, **40 percent** of agencies’ compliance rating was based on results garnered from public accommodations testing conducted by the Program.¹¹ As it is the fifth year since the law’s inception, OHR felt it was necessary to place a greater weight on agencies’ actions when it comes to providing direct services to their LEP/NEP consumers. The objective of the tests is to have an understanding of what kinds of systems agencies have in place to

⁹ See Appendix B for a template of the quarterly report.

¹⁰ Language Access Plans will be published in the D.C. Register and made available on OHR’s website in fiscal year 2010.

¹¹ During fiscal year 2008 the weight of agencies’ test results was factored in equally with the other reporting requirements, thus minimizing the impact on the overall compliance rating.

assist residents who do not have the skills to communicate in English. Three types of tests were conducted: (1) “face-to-face” or in person tests; (2) telephone calls; and (3) U.S. mail correspondence. All tests were conducted solely in the foreign language. Testing of this nature has historically been contracted out to the Office of Unified Communications (OUC) to conduct as an arm of their existing customer service testing. However, OHR opted to take over this responsibility beginning fiscal year 2009 in order to more closely monitor agencies. The focus of the testing program was modified to place a greater emphasis on evaluating agencies’ adherence to legislative requirements while also taking into consideration the customer’s experience.

i. Testing Methodology in Brief

Agencies’ self reported data of LEP/NEP consumers served during fiscal year 2008 served as a baseline to determine the top three languages most frequently encountered by each agency. OHR used this data to determine which language(s) an agency would be tested in. Agencies were then divided into three categories based on the volume of LEP/NEP consumers served.¹² Once agencies were divided into different categories, the amount of tests to be conducted per agency was determined. Specific locations to be visited and scenarios to be used were identified based on suggestions from various stakeholders (i.e., the D.C. Language Access Coalition; the Mayor’s Offices on African Affairs, Asian and Pacific Islander Affairs, and Latino Affairs; agency Language Access Coordinators; and LEP/NEP communities who have expressed concerns about the lack of services offered in some specific District government locations). OHR then created a master list of service centers for all 34 agencies and coordinated with each District agency being tested to ensure that the addresses and phone numbers to all locations were accurate. Once the test locations and languages were identified, scoring criteria incorporating requirements of the Language Access Act and the customer’s overall experience were developed and/or tailored from existing criteria used by OUC. Some of OHR’s main concerns included:

- Accessibility to the agency via security checkpoints;¹³
- Accessibility of signs indicating the availability of language services;
- Agencies’ willingness to identify the language and assist testers by providing interpretation via telephonic interpretation or bilingual staff;
- Availability of translated materials;
- Employees’ willingness to provide professional and courteous service in accordance with the Mayor’s standards for customer service; and
- Employees’ willingness to assist the tester in a timely manner.

Taking the above-referenced concerns into account, OHR developed Test Report Forms for each type of test for testers to use as their evaluation mechanism. Tests began on July 1, 2009 and ran for twelve weeks. A total of 644 tests were conducted: 185 face-to-face tests; 425 telephone tests; and 34 U.S. mail tests.¹⁴

¹² Examples include: D.C. Public Schools (*Category I*); Department of Housing and Community Development (*Category II*); D.C. Office of Zoning (*Category III*)

¹³ Security guards are not employees of District agencies but contractors employed through the Department of Real Estate Services (DRES). Agencies were not penalized if a tester was unable to enter a building in which an agency was located. However, OHR wanted to assess this dynamic and report back to DRES on its findings as security checkpoints are often the first points of contact for consumers at District government buildings.

¹⁴ See Appendix A for customer service testing results.

Scoring of tests followed a four-pronged approach:

- (1) *Tester's impression of their experience:* Testers were required to answer all questions on the Test Report Forms, provide narratives of all encounters, and rate the agencies on their overall impression using the following scale: **1 – Poor, 2 – Average, 3 – Good.**

3	The LEP customer was fully assisted and was provided by exemplary service from the employee. Employee went above and beyond, was very pleasant and served the LEP client efficiently and without hesitation either through the use of Language Line Services or through a bilingual staff member. Employee clearly knows how to assist a LEP client and provided the answer in a timely manner and in the order upon which he/she arrived.
2	Employee was knowledgeable on the agency's available resources to assist LEP customers, and utilized some or all resources to serve the customer. Employee may have taken a lengthy amount of time to assist the LEP customer and may not have fully addressed the customer's needs (e.g., did not provide the customer with the material necessary to assist in the situation presented). Customer service provided to LEP customer was average. End result: Some or all Service was provided.
1	Employee did not or was unable to assist. Employee may not have any real knowledge on how to assist a LEP and/or what resources are available in employee's agency to do so or was not willing to assist at all. Employee attempts to dismiss the LEP customer. Examples for this rating include, (1) Employee may have provided poor customer service; (2) Employee may have insisted that the LEP customer return when bilingual employees are present or with their own interpreter. End result: Service was not provided.

- (2) *OHR's Score:* Based on the testers' evaluation submitted, OHR calculated a separate score of the test conducted. Each type of test had a set of questions on the report form that were assigned points by OHR. There were a total of nine points available for the face-to-face tests; eight points available for the telephone tests; and eight points available for the U.S. mail tests.¹⁵
- (3) *Overall Score:* An average of the tester's overall impression and OHR's final score resulted in the overall score for the test.¹⁶ For example, if a tester's overall impression for a face-to-face test was "2 – average" and the agency scored a total of 6 possible points, the agency's overall score would be "4." The score of "4" would receive a rating of "1" as described below.

¹⁵ See Appendix B for Test Report Form templates.

¹⁶ U.S. mail tests did not measure a tester's "overall impression;" thus, the total score is 8.

- (4) *Rating:* Similar to the scoring used for the legislative/programmatic requirements, agencies received a rating of “2” if they attained all possible points available for a test; “1” if they achieved a substantial portion of those points; and “0” if they achieved little to no points. Below are the ranges available for each test:

Face-To-Face Test Overall Score	Rating
Score of: 6	Received a rating of 2
Score of: 3 – 5.9	Received a rating of 1
Score of: 0 – 2.9	Received a rating of 0

Telephone Test Overall Score	Rating
Score of: 5.5	Received a rating of 2
Score of: 2.7 – 5.4	Received a rating of 1
Score of: 0 – 2.6	Received a rating of 0

U.S. Mail Test Overall Score	Rating
Score of: 8	Received a rating of 2
Score of: 3.5 – 7.9	Received a rating of 1
Score of: 0 – 3.4	Received a rating of 0

C. Compliance Ratings

Dependent upon agencies overall score on 13 requirements **and** test scores received, the agency received a compliance rating of either *full compliance*; *partial (+) compliance*; *partial compliance*; *partial (-) compliance*; or *non-compliance*.

Below is a sample of an agency's "report card":

Section I: Programmatic Requirements	Status Rating
1. Establish a biennial language access plan (BLAP) for the agency.	Sample: Fully met (2)
2. Identify a Language Access Coordinator (LAC).	
3. Collect data on the languages spoken by the agency's LEP/NEP clients on a quarterly basis.	
4. Provide oral interpretations to LEP/NEP populations, as needed and requested.	
5. Develop, revise, and/or translate contents of agency's archive of vital documents.	
6. Conduct recruitment activities for bilingual staff.	
7. Conduct a minimum of one cultural competency-related training session per fiscal year to ALL agency staff that fills a public contact position.	
8. Train agency staff (mandatory for those who fill a public contact position) on telephonic interpretation services and usage.	
9. Train ALL agency staff on the agency's language assistance activities/resources.	
10. Conduct outreach activities to each LEP/NEP community served by the agency that meets the "3% or 500 individuals" threshold	
11. Conduct a minimum of one (1) public meeting per fiscal year within the BLAP period.	
12. Submission of quarterly reports. (Four total.)	
13. Attendance of all quarterly meetings (Four total.)	
Subtotal (Total Rating divided by 13):	

Section II: Public Accommodations Testing	Status Rating
Face-to-Face Tests Sample Score: 5.16	Sample Rating: 1
Telephone Tests	
US Mail Tests	
Subtotal (Total Rating divided by 3):	

Section I Total: *Section I Subtotal* x .6 = _____ (60%)

Section II Total: *Section II Subtotal* x .4 = _____ (40%)

Total Score: _____

Agency Compliance Rating: _____

The **total score** calculated corresponds to a rating:

Rating	Score Range
Full Compliance	2.0
Partial (+) Compliance	1.6 - 1.9
Partial	1 - 1.59
Partial (-) Compliance	.6 - .99
Non-compliance	0 - .59

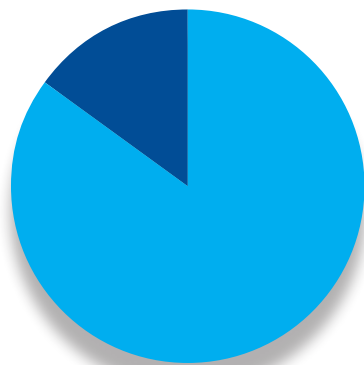
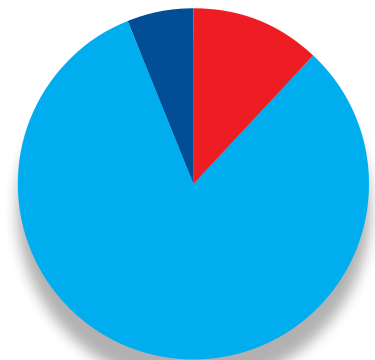
The District received an overall rating of **“partial”** compliance for fiscal year 2009.¹⁸

While the District received an overall rating of *partial (+)* in fiscal year 2008, test results garnered from OUC’s efforts were not factored in as substantially as those obtained by OHR in fiscal year 2009. Although they were a factor in an agency’s overall compliance rating, their weight was equally distributed with the other requirements and not valued at almost half of the final rating. Again, OHR felt it was necessary at this juncture to place a greater weight on the evaluation of agency’s systems in order to better evaluate service provision to LEP/NEP consumers.

Compliance Results at a Glance

FY 2009 District-wide compliance results

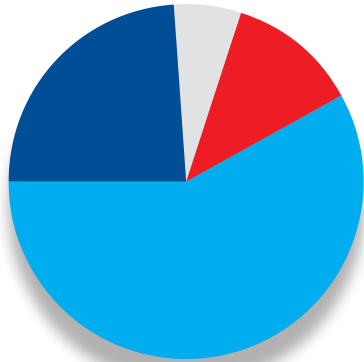
- 0% of agencies received a rating of “full compliance”
- 12% of agencies received a rating of “partial (+) compliance”
- 82% of agencies received a rating of “partial compliance”
- 6% of agencies received a rating of “partial (-) compliance”
- 0% of agencies received a rating of “non-compliance”



Legislative Requirement: Oral Language Services

- 88% of agencies received a rating of “full compliance”
- 0% of agencies received a rating of “partial (+) compliance”
- 12% of agencies received a rating of “partial compliance”
- 0% of agencies received a rating of “partial (-) compliance”
- 0% of agencies received a rating of “non-compliance”

¹⁸ Please note that as the Office of Human Rights (OHR) managed the testing project for FY09, the Office did not test itself via telephone and face-to-face tests. While the Office did receive a score of “full compliance” on the legal and programmatic requirements, it was unable to fully capture testing results. Therefore, OHR’s compliance rating will not be included in the District’s overall compliance rating.

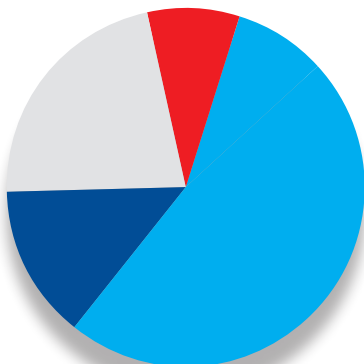
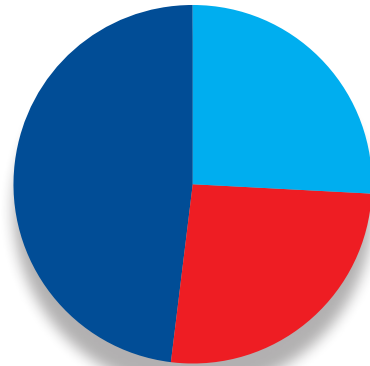


Legislative Requirement: Written Language Services

- 58% of agencies received a rating of "full compliance"
- 0% of agencies received a rating of "partial (+) compliance"
- 24% of agencies received a rating of "partial compliance"
- 0% of agencies received a rating of "partial (-) compliance"
- 6% of agencies received a rating of "non-compliance"
- 12% were not rated on this requirement

Legislative Requirement: Outreach

- 48% of agencies received a rating of "full compliance"
- 0% of agencies received a rating of "partial (+) compliance"
- 26% of agencies received a rating of "partial compliance"
- 0% of agencies received a rating of "partial (-) compliance"
- 26% of agencies received a rating of "non-compliance"



Legislative Requirement: Training

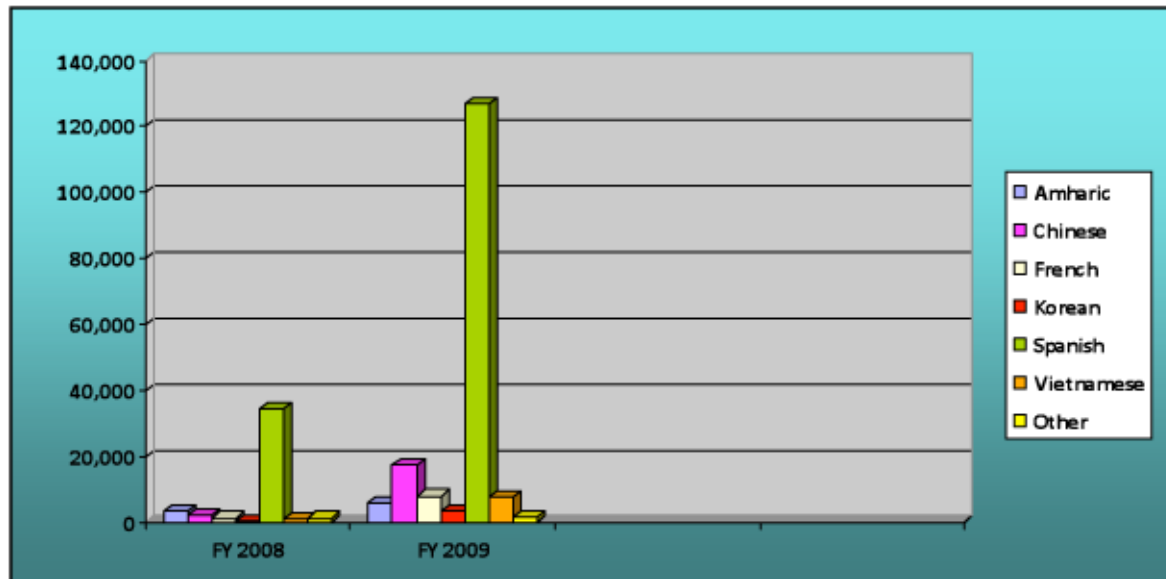
- 52% of agencies received a rating of "full compliance"
- 15% of agencies received a rating of "partial (+) compliance"
- 24% of agencies received a rating of "partial compliance"
- 0% of agencies received a rating of "partial (-) compliance"
- 9% of agencies received a rating of "non-compliance"

Comparative Results

Compliance Results for Fiscal Years 2008 and 2009

Agency Requirements	FY08	FY09	Comparison
Oral language services	32% full compliance	85% full compliance	Increase
Written Language services	44% full compliance	58% full compliance	Increase
Outreach	28% full compliance	48% full compliance	Increase
Training	4% full compliance	52% full compliance	Increase

Number of LEP/NEP Encounters Reported by District Agencies for Fiscal Years 2008 and 2009



Closing

The work of immigrant integration, specifically as it relates to government, is fundamental. The District is fortunate in that its policy makers have taken the steps to legally protect an individual's right to access and participate in public services, programs, and activities regardless of language spoken. Throughout its five years of overseeing and enforcing the Act, OHR has observed systemic improvements in the equitable provision of services and behavior by the government. Agencies' plans have become more comprehensive than in years past highlighting changes in policies, procedures and practices within their agencies and requiring the same of service providers they fund; reporting has significantly improved as has overall adherence to legislative requirements; there has been no decrease in complaints docketed at OHR which indicates the success of public/private partnerships and information sharing; usage of the District's telephonic interpretation service rose over seventy percent between fiscal years 2005 (i.e., fiscal year during which the law was enacted) and 2009;¹⁹ and public accommodations test results are improving. However, there is still a significant amount of work to be done. While the government has made great strides to become more "accessible" in the past five years, it is still struggling to sustain LEP/NEP customers throughout its systems. This is a growing and expected consequence anticipated by OHR and has become a focus in its guidance and assistance to District agencies.

OHR Recommendations

As the District continues to move forward with the implementation of and compliance with the D.C. Language Access Act, OHR submits the following recommendations which include recommendations from FY 2008 that have not yet been attained. These recommendations are also consistent with the most voiced suggestions made by the participants of the first Language Access Policy Forum conducted this year:

- 1. Appropriate budgeting, designation, and tracking of funds for language access costs.** Considering the cost savings measures the District government has implemented in order to reduce the city's widening deficit, the Office of Human Rights recommends that the Office of the City Administrator, in conjunction with all covered entities, work to ensure that the allocations of local appropriated dollars for language access activities for fiscal year 2011 (e.g., translations, interpretations, etc.) are maintained at level funding. We strongly suggest that agencies with a large number of limited English customers, as represented in this report, do not compromise language access costs for FY2011. Additionally, we recommend that the language access-related budget is reflected within the appropriate Program Management activity for all agencies. By doing so, we can maintain an accurate account of the overall language access budget for the District, and track expenditures accordingly during the course of the year.
- 2. Assurance of quality translation and interpretation services.** OHR will work with the Office of Contracting and Procurement (OCP) to establish a competitive and performance-based "Request for Proposal" (RFP) to select qualified vendors who specialize in translation and interpretation services. Upon selection a creation of a citywide Blanket Purchase Agreement (BPA) will result for all agencies to procure from. This will assist the District in gauging the quality of translations and interpretations received and will alleviate the individual procurement process currently in place for agencies.
- 3. Assessment of bilingual-preferred positions and implementation of linguistic proficiency of bilingual staff.** Presently, the District does not have an accurate account of bilingual preferred positions, and the classified descriptions for those positions vary greatly in the need, type and scope of bilingual services provided by

¹⁹ Usage has increased sixteen percent between fiscal years 2008 and 2009.

those employees. Moreover, the District does not have a standardized method in place to assess the linguistic proficiency of bilingual applicants and existing bilingual staff. The method of “self-identification” is currently in place to inform the agency of a potential second language spoken by an applicant. However, the agency does not have a standardized or qualified method to assess the proficiency in the second language,²⁰ which can present a hindrance to services provided and possible liability issues to the agency. The D.C. Department of Human Resources (DCHR) should review the classification of bilingual preferred positions and establish a standard assessment, by regulation, that will be required for an applicant who is applying for a bilingual position or an existing employee who has self-identified as bilingual (if his/her language skills are being utilized daily or will be designated to be utilized daily).

- 4. Pay differential for bilingual hires and existing staff.²¹**
- 5. Training.** While the Language Access Program has been able to train over 1700 District employees, there are still a significant number of individuals throughout the government who lack the understanding of the difficulties language barriers pose to effective communication and who are not aware of the legal ramifications that could result when not providing equitable access to services. OHR will launch an e-learning module in fiscal year 2010 to maximize access to training on the Act’s requirements and will also work in concert with agencies, by request, to tailor training to their specific needs. However, agencies need to take a more active role in training their own staff on how to better serve the needs of their specific consumer base.

²⁰ MPD is the only District agency that has a formal language assessment process in place.

²¹ MPD is the only District agency that provides a biweekly monetary stipend for a second language skill dependent on the successful completion of their language assessment.

Appendices

Appendix A

TABLE 1: PHASED IMPLEMENTATION BY FISCAL YEAR AND AGENCY

Fiscal Year 2004	
1	Department of Health
2	Department of Human Services
3	Department of Employment Services
4	Metropolitan Police Department
4	D.C. Public Schools
6	Office of Planning
7	Fire and Emergency Medical Services
8	Office of Human Rights
Fiscal Year 2005	
9	Department of Housing and Community Development
10	Department of Mental Health
11	Department of Motor Vehicles
12	Child and Family Services Agency
13	Alcoholic Beverage Regulation Administration
14	Department of Consumer and Regulatory Affairs
Fiscal Year 2006	
15	Department of Parks and Recreation
16	Office on Aging
17	D.C. Public Library
18	Department of Human Resources
19	Office of Contracting and Procurement
20	Department of Corrections
21	Department of Public Works
22	Office of Tax and Revenue
Fiscal Year 2007	
23	Office of the People's Counsel
24	D.C. Housing Authority
25	Homeland Security and Emergency Management Agency
Fiscal Year 2008	
26	Department of Disability Services
27	Department of Youth Rehabilitation Services ¹
28	Department of Transportation
29	Office of Unified Communications
30	Department of the Environment
31	Office of the State Superintendent for Education
32	Department of Small and Local Business Development
33	Office of Zoning
34	Office of the Tenant Advocate
35	D.C. Lottery and Charitable Games Control Board

¹ The Office of Human Rights (OHR) rescinded the Department of Youth Rehabilitation Services' (DYRS) designation as a "covered entity with major public contact" on March 11, 2009 via letter to the Director in consideration of the Department's request to do so. DYRS is no longer required by local law to establish a language access plan and report on its activities on a quarterly basis to OHR.

FY 2009 Compliance Snapshot for the District

■ Full Compliance (2.0)
■ Partial (+) Compliance (1.6-1.99)
■ Partial Compliance (1.0-1.59)
■ Partial (-) Compliance (.6-.99)
■ Non-Compliance (0-.59)

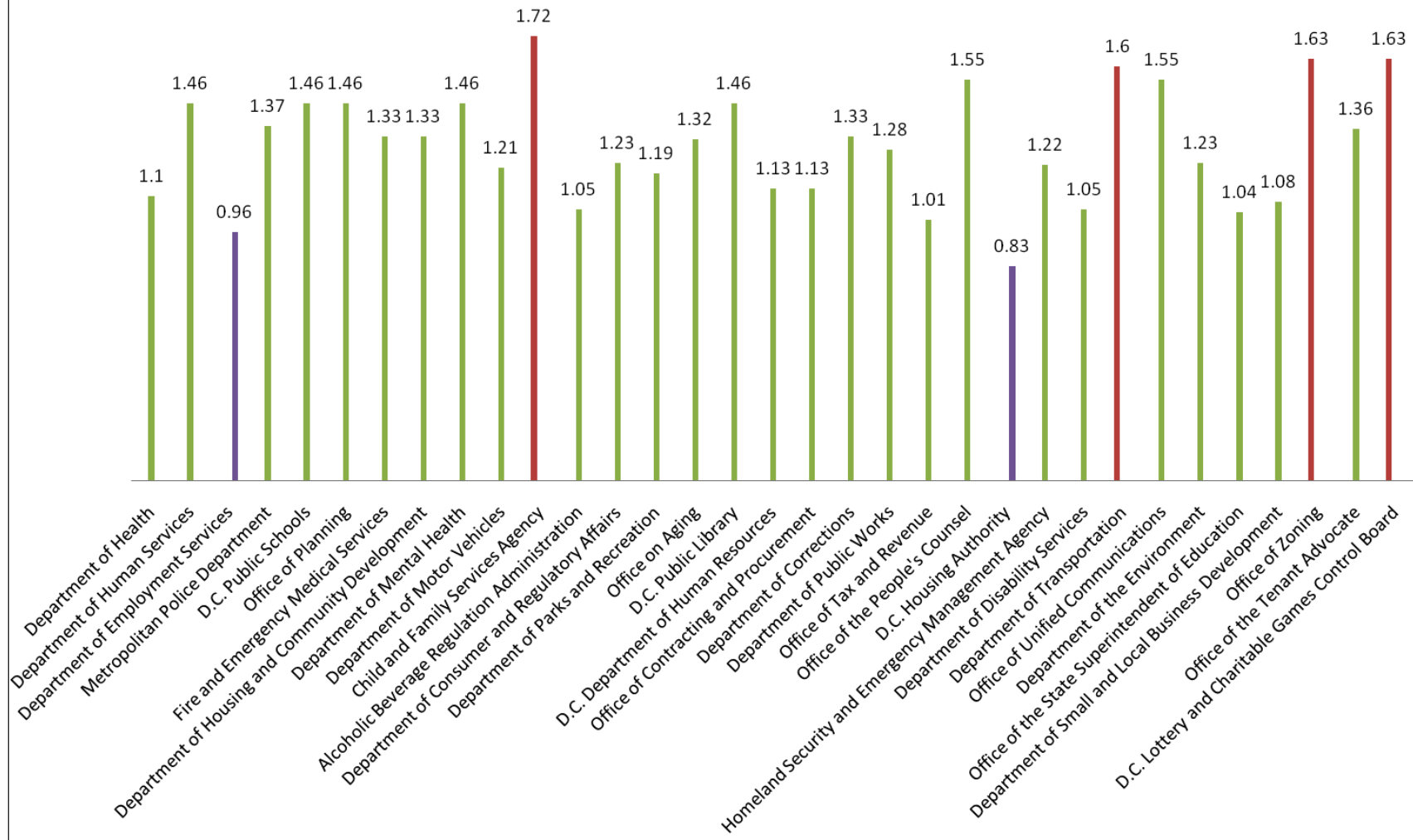


TABLE 3: PUBLIC ACCOMMODATIONS TEST RESULTS FOR FY09

TABLE 3-A: TELEPHONE TEST RESULTS

AGENCY		OVERALL SCORE ¹ (5.5 possible points)
1	Office of Contracting and Procurement	5.50
2	Department of Human Resources	5.36
3	Office of Planning	5.10
4	Office of Zoning	4.60
5	Homeland Security and Emergency Management Agency	4.38
6	Office on Aging	4.30
7	Alcoholic Beverage Regulation Administration	4.15
8	Child and Family Services Agency	4.10
9	Office of Unified Communications	4.01
10	Department of Disability Services	4.00
11	Department of Human Services	3.83
12	D.C. Public Schools	3.55
13	Fire and Emergency Medical Services	3.44
AVERAGE		3.33
14	Department of Small and Local Business Development	3.30
15	Department of Consumer and Regulatory Affairs	3.19
16	Department of Corrections	3.16
17	Office of the Tenant Advocate	3.16
18	D.C. Public Library	3.07
19	Department of Public Works	3.00
20	Office of the State Superintendent for Education	2.97
21	D.C. Lottery and Charitable Games Control Board	2.81
22	Department of Transportation	2.80
23	Department of the Environment	2.75
24	Department of Mental Health	2.55
25	Department of Health	2.48
26	D.C. Housing Authority	2.46
27	Metropolitan Police Department	2.40
28	Department of Parks and Recreation	2.24
29	Office of the People's Counsel	2.20
30	Office of Tax and Revenue	2.16
31	Department of Employment Services	1.80
32	Department of Housing and Community Development	1.59

¹ Tester's overall experience was measured with a possible score of "1/poor", "2/average", or "3/good." OHR assigned points to various factors, such as whether or not Language Line Services displays (or similar signage) was available/accessible and if the employee assisted the Tester in his/her language. A total of 8 points were available. The overall scores reflected in this table are an average of the Tester's score and OHR's score.

TABLE 3: CUSTOMER SERVICE TESTING RESULTS FOR FY09

TABLE 3-B: FACE-TO-FACE TEST RESULTS

AGENCY		OVERALL SCORE² (6 possible points)
1	Office of Contracting and Procurement	5.50
2	Office on Aging	5.50
3	Office of the People’s Counsel	5.50
4	Department of Human Resources	5.25
5	Department of Housing and Community Development	5.20
6	Office of Zoning	5.16
7	Alcoholic Beverage Regulation Administration	5.16
8	D.C. Lottery and Charitable Games Control Board	5.00
9	Office of Tax and Revenue	5.00
10	Department of Mental Health	4.90
11	Department of Disability Services	4.83
12	Office of the State Superintendent for Education	4.80
13	Fire and Emergency Medical Services	4.75
14	Department of the Environment	4.75
15	Child and Family Services Agency	4.60
16	D.C. Public Library	4.58
17	D.C. Housing Authority	4.50
18	Department of Consumer and Regulatory Affairs	4.50
AVERAGE		4.50
19	Office of Planning	4.38
20	Metropolitan Police Department	4.31
21	Department of Health	4.16
22	D.C. Public Schools	4.08
23	Department of Motor Vehicles	4.05
24	Office of the Tenant Advocate	4.00
25	Department of Human Services	4.00
26	Department of Parks and Recreation	3.95
27	Department of Corrections	3.75
28	Department of Employment Services	3.75
29	Department of Small and Local Business Development	3.16
30	Department of Transportation	3.16
31	Department of Public Works	3.16

² Tester’s overall experience was measured with a possible score of “1/poor”, “2/average”, or “3/good.”OHR assigned points to various factors, such as whether or not Language Line Services displays (or similar signage) was available/accessible and if the employee assisted the Tester in his/her language. A total of 9 points were available. The overall scores reflected in this table are an average of the Tester’s score and OHR’s score.

TABLE 3: CUSTOMER SERVICE TESTING RESULTS FOR FY09

TABLE 3-C: U.S. MAIL CORRESPONDENCE

AGENCY		OVERALL SCORE ³ (8 possible points)
1	Child and Family Services Agency	8
2	Department of Human Resources	8
3	D.C. Lottery and Charitable Games Control Board	8
4	Office of Contracting and Procurement	8
5	Office of Unified Communications	8
6	Office of Zoning	8
7	Office of the People’s Counsel	8
8	Department of the Environment	6
9	Office of Planning	6
10	Alcoholic Beverage Regulation Administration	5
11	Department of Transportation	5
12	Office on Aging	5
13	Department of Mental Health	5
14	Metropolitan Police Department	5
15	Department of Human Services	4
16	Department of Parks and Recreation	3
17	Department of Housing and Community Development	3
18	Office of the State Superintendent of Education	0
19	D.C. Housing Authority	0
20	D.C. Public Library	0
21	D.C. Public Schools	0
22	Department of Consumer and Regulatory Affairs	0
23	Department of Corrections	0
24	Department of Disability Services	0
25	Department of Employment Services	0
26	Department of Health	0
27	Department of Motor Vehicles	0
28	Department of Public Works	0
29	Department of Small and Local Business Development	0
30	Fire and Emergency Medical Services	0
31	Homeland Security and Emergency Management Agency	0
32	Office of Tax and Revenue	0
33	Office of the Tenant Advocate	0

³ The U.S. Mail tests were scored differently, as there is no “overall score” assigned by the Tester for their impression or experience of the test. OHR assigned points to various factors, such as whether or not acknowledgment letters were sent and whether the final response was received from the agencies. A total of 8 points were available. 16 agencies did not respond to the test letters mailed to them.



District of Columbia
Adrian M. Fenty, Mayor



Office of Human Rights
DISTRICT OF COLUMBIA

Protecting the
Human Rights of
Every Individual

One Judiciary Square
441 4th Street, NW
Washington, DC 20001
202.727.4559
www.ohr.dc.gov

Gustavo Velasquez
Director