

Language Survey FAQs

Language Survey Administration

1. What is the Language Survey, and what state agencies are required to conduct this biennial survey?

The Language Survey is the tool used to measure the level of public contacts received in the department's units and the number of public contact employees to provide an equal level of service to Limited English Proficient (LEP) individuals.

Section 7299.4 states that notwithstanding any other provision in the Act, each agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- The number of public contact positions in each local office.
- The number of bilingual employees in public contact positions in each local office, and the languages they speak, other than English.
- The number and percentage of non-English-speaking people served by each local office, broken down by native language.
- The number of anticipated vacancies in public contact positions.
- Whether the use of other available options, including contracted telephone based interpretation services.
- A list of all translated materials that are required to be accessible to non-or limited-English-speaking individuals by Sections 7295.2 and 7295.4.
- A list of materials identified in paragraph (5) that have been translated and languages into which they have been translated.
- The number of additional bilingual public contact staff, if any, needed at each local office to comply with this chapter.
- Any other relevant information requested by the California Department of Human Resources.

2. My agency has fewer than 25 employees and does not employ any administrative staff. The department contracts with another state agency to perform its administrative functions. Is the department that we contract with responsible for completing our agency's language survey?

Every state agency is required to participate in the biennial Language Survey regardless of the number of staff it employs, unless specifically exempted by statute or CalHR. Your agency, and the department with which it contracts, must determine who will coordinate the language survey. Regardless of who coordinates the survey, each agency must conduct a separate survey, report survey data, complete the required documentation and submit it to CalHR no later than October 1st of every even-numbered year. If you are contacted by CALHR to participate in the survey and you feel you meet the criteria for an exemption, you are encouraged to complete the exemption request form and submit it to CalHR by the assigned due date.

3. When is the biennial survey conducted and when is its due date?

The language survey must be conducted during any ten (10) days identified by the department. In selecting the survey days CalHR recommends the department select five high peak days and five non-peak days. This will enable the department to identify its average levels of public contact during the year. The coordinator should take other factors, such as holidays and peak vacation periods, into consideration when selecting its survey days. The goal should be to enable as many of its public contact employees as possible to participate in the survey. The language survey is due to CalHR on or before October 1st of every even-numbered year.

4. How can ten (10) days of survey represent the public contact for a year?

Since a year is composed of 52 work weeks, the proportion of the two weeks survey (10 days equals two work weeks) to a year is $2/52$, or $1/26$. So, we can represent the whole year by multiplying the two weeks by 26. To compute for the total public contact in a year, we multiply the total public contacts in two weeks by 26.

5. How are public contacts counted?

Verbal and written contacts with the public, either via e-mail, in written correspondence, in person, through telephone, or by employing interpreter/translator are counted. If a public contact employee makes contacts with separate people in one day, each contact is counted as one. If the same Public Contact Employee makes several contacts with the same person, it is counted as one.

6. Are state contractors and the contacts that they make counted in the Language Survey?

If your department contracts with independent contractors to disseminate your department information, the contractor should be aware of the need to provide bilingual services to LEP contacts. You may inform the contractor of your bilingual resources and ensure they contact your department language survey coordinator with any questions regarding services to LEP contacts.

7. We have selected ten days to conduct the survey and realize that during the second five days, a substantial number of public contact employees will be on vacation. Do we count them as public contact for the second week, even though they will be on vacation?

Yes. Every public contact employee be identified and participate in the survey. Additionally, each of these public contact employees will be provided with a tally sheet. These employees' tally sheets would reflect fewer days of public contacts, due to vacations or other absences. In most cases, another employee that would be reporting the additional contacts on his/her tally sheet would handle these contacts.

8. A public contact staff member participated in the first five days of the survey in a unit of our department. He was transferred to a different unit for the last five days of the survey. Does he report the second week contacts in the unit where he was transferred?

He will be added to the unit he was transferred to and report his contacts for that unit.

9. Our department contracts with a private entity or local government (e.g., county) to administer one of our public programs. Do we include the employees of this contractor in the department's language survey?

No, you do not have to include these employees in the language survey. However, you may choose to do so as a mechanism for tracking the native language(s) of the public it serves on the department's behalf. Regardless, you must ensure that the contractor is aware of its responsibility to provide language-access in compliance with the Act and should develop a process for ensuring an appropriate level of language access is provided. Additionally, if any of these contracted services are supported by Federal funds, the department must also ensure that it complies with the language-access requirements in Title VI and Executive Order 13166.

10. Our agency has never been contacted to participate in the Language Survey and decides it will not participate. Is there a penalty?

Government Code Section 7282 and 7293 states that all agencies, with the exception of the State Insurance Compensation Fund, will participate in the language survey. You were contacted to participate because your agency meets the criteria under section 11000. The Government Code gives CalHR authority to issue orders that it deems appropriate for any state agency that it determines has not made reasonable progress toward complying with the Act. If you feel you do not meet the criteria to participate in the survey as identified in Section 7299.5 of the Act, you need to complete and exemption request form and submit necessary data to CalHR. Your exemption request will be reviewed and you will be informed if your agency meets the criteria for an exemption.

11. Our agency utilizes student assistants, volunteers or other non-state employees that deal with the public, and is unsure whether or not we should participate in the language survey.

Students, volunteers or other non-state employees should participate in the survey by completing a tally sheet to report any public contacts received. Additionally, all public contacts should be counted and included in the department's survey data regardless of who provides the service. However, these individuals should not be reported in the local office or unit's employee counts. The number of contacts received by these individuals should be reported as "employees" counts. However, if any of these individuals are certified as bilingual, the department may list these individuals as additional certified resources it has available to assist in responding to its non-English-speaking public.

12. A bilingual employee who is a qualified translator translates incoming correspondence from Spanish into English. How are written translations counted?

Each piece of correspondence or any other written document received would be counted as one contact, under the applicable language in the local office/unit that received the contacts.

Exemption from Language Survey Participation

1. Can a department be exempted from participating in the Language Survey?

Section 7299.5 states that CalHR may exempt state agencies from the requirements of Section 7299.4, where CalHR determines that either or both of the following conditions apply:

- The agency does not furnish information or render services to the public.
- The agency has consistently received such limited public contact with the non- English speaking public that it has not been required to employ bilingual staff under Section 7292. In order to receive an exemption, each state agency must annually petition CalHR for the exemption and receive approval in writing.

2. Is my department automatically exempted from participating in the language survey if it meets the criteria contained in the Act?

With the exception of the State Compensation Insurance Fund, all state agencies are mandated to conduct a biennial language survey and report their results to CalHR by October 1st of every even-numbered year. The Act allows a department to request an exemption from participation in the language survey. The department should complete and submit a Request for Exemption to CalHR by the required date.

3. If my department employs 25 or fewer employees, does it have to comply with the Act in participating in the survey and providing bilingual services to the public, even though we do not receive any contacts from the public?

Section 7296.4: The only agency that is exempt from participating in the survey is the State Compensation Insurance fund. All other agencies must comply in completing an exemption request form (exemption is to request exemption from survey and not from having a bilingual services program or access to bilingual services for its Limited English Proficient contacts.

4. If a department does not have any bilingual positions or provides services to less than 5 percent of the any non-English speaking group, does it still have to develop a bilingual services program?

CALHR is responsible for contacting every state agency as defined in section 11000. The agency will follow the direction given by CALHR and if it determines it does not meet the requirements of the Act to participate in the survey and implementation plan, it can petition for an exemption.

Five Percent Threshold

1. When does a local office/unit meet the five percent threshold in a non-English language?

A local office/unit meets the five percent threshold in a non-English language when the number of contacts in the non-English language meets or exceeds 5% of the total contacts in that local office/unit.

2. How does the Act define a “substantial number” of non-English speaking people?

Section 7292 and 7295.2 defines a substantial number as 5% of the total number of public contacts received by any local office or facility of a state agency. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency. Who determines if a department meets the five percent threshold in any non-English language? The on-line system calculates the number of contacts and the number of public contact employees and determines the department is receiving 5% or more contacts from the public, it has met the threshold.

3. What requirements do state agencies need to comply with when they meet the 5 percent threshold in a non-English language?

- Employ a sufficient number of qualified bilingual persons in public contact positions or to contract with interpreters to assist those in such positions to ensure provision of information and services to the public.
- Translate and provide any materials explaining services available into any non-English language spoken by a substantial number of the public served by the agency.
- Distribute applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons.
- As an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

Language Survey Coordinator

1. What is the Language Survey Coordinator of a state agency, and how is he or she appointed?

At the start of each language survey period, CALHR communicates with Directors of state agencies informing them of the responsibilities in complying with the Act by participating in the language survey. Each state agency appoints a Language Survey Coordinator to coordinate its language survey process. This individual works with the Bilingual Services Program of CalHR to ensure the department conducts its survey in accordance with the instructions issued.

2. I am the new Language Survey Coordinator for my department. We have numerous reporting units and I am not sure which units receive public contact. How do I determine which units/employees should participate in the survey?

First, you should try to locate the department's last language survey information. If you cannot locate the file, you may contact the BSP and request copies of the prior survey data for your department. Once you receive the data, you will be able to identify your public contact units. You can also review your department's organizational chart and mission statement to assist you in identifying public contact functions. Additionally, your Personnel Office may be able to provide you with information on public contact positions.

3. What are the responsibilities of a Language Survey Coordinator? The responsibilities of a language survey coordinator in conducting the survey include but are not limited to the following:

- Provide training or written instruction on the importance of the survey and distribute forms and instructions to all public contact employees.
- Input its survey data into CalHR's automated survey program, and review to make sure all of the information is complete and accurate.
- Attend language survey training (if training is being given) to obtain current survey instructions.
- Determine the need to attend additional guidance by CalHR to assist in conducting the survey and complying with the Act.
- Submit the department's Contact Information, Form A, or Form G if applicable, to CalHR by the identified due date.
- Conduct monitoring and respond to questions regarding the department's Survey process.
- Receive all completed survey information, review for accuracy, contact reporting coordinators to follow-up discrepancies, make corrections, and compile summary data for all units.
- Input all survey information required into the automated survey system for departmental approvals.
- Complete the Compliance, Deficiencies and Recommended staffing reports, including corrective actions and service delivery plans.
- Submit hard copy by U.S mail of:
 - The "Department Summary Report" signed by the department director and language coordinator.(Found under "Survey Data/Checklist" (original signatures)
 - An updated Bilingual Policy signed by the agency director (original signature) October 1, of every even-numbered year.
 - The agency's Mission Statement and Organizational Chart

4. I am not able to locate any of my department's previous survey information or determine whether or not my department has ever participated in a survey. Who can assist me in locating this information?

You may first want to start by contacting your Personnel or Equal Employment Opportunity Offices. These two programs typically coordinate the language survey in most departments. If you are unsuccessful in locating the information, you may contact the BSP unit at CalHR. The BSP maintains language survey information for all state agencies for two surveys (four years) and can assist you in determining whether the department has participated in a language survey. You may contact the BSP by e-mail at: bilingual@CalHR.ca.gov.

Bilingual Position Needs and Deficiencies

1. How do we determine the bilingual position needs of a local office/unit?

The bilingual position needs of a local office is defined as the number of certified bilingual staff required to provide equal level of services to non-English language contacts in that local office.

2. What are deficiencies and how are they computed?

Deficiencies are the number of certified staff that a local office lacks or still needs after utilizing the existing certified staff in fulfilling its bilingual position needs. The on-line system calculates the deficiencies from the survey data that has been input. Departments that report position deficiencies are required as explained under GC Section 7299.4 (f) to report progress on correcting identified deficiencies every six months.

3. What if the department fails to make corrections to the deficiencies?

CalHR can issue orders that it deems appropriate to effectuate the purposes of the Act. CalHR shall be responsible for informing state agencies of their responsibilities under the Act and providing state agencies with technical assistance.

Language Survey Participation

1. My job entails working with students, patients, wards, inmates or other persons who reside in a state facility, institution, school or other residential setting. I have several contacts a day with a Spanish-speaking patient in performing my job. Would I count each contact I have with this patient separately on my Language Tally Sheet?

You DO NOT record contacts with any of the internal population served by your department. Only contacts with the public, such as family members of patients should be counted. The department reports information on its internal population on a special form that is designated for this purpose.

2. I am loaned from Office A to Office B during the survey. If the field office unit name is not written on the Tally Sheet, what name do I write on the language survey Tally Sheet?

Office B. It does not matter that you are loaned out from Office A; your counts represent the office where the survey is being done, which is Office B.

3. I am employed in a field office that is located in Orange County. However, my assignment requires me to travel to locations in Los Angeles, San Bernardino and Kern Counties. I encounter the public in all three counties in the performance of my job. Do I count the contacts in the county in which the contacts were made, or the county where my office is located?

Contacts are to be counted in the units where they are received. Also, bilingual position needs are determined by the non-English contacts in each unit.

4. I receive a telephone call from a non-English-speaking member of the public asking for an employee. How do I count this call?

You do not count this call because you are referring it to another employee. The employee providing the information to the public counts this contact on their tally sheet.

- 5. As a counselor with CDCR's Division of Juvenile Justice, I have a ward that comes to me four times in one hour asking for assistance. How should I record these contacts?**

You would not record these contacts because the ward is part of the internal population. The internal population is not recorded as public contacts. The state agencies with internal population—Education, Mental Health, Developmental Services, and Corrections—conduct a head count of the internal population and a head count of the staff that oversee the internal population. If you discover that your department has facilities that should be identified as having internal populations, please contact the BSP for guidance on how to conduct the survey in these areas.

- 6. A customer is using sign language to communicate. Since I do not understand sign language, I communicate with this individual by writing notes in English to one another. How should I count this contact?**

You should always attempt to locate a qualified interpreter to assist the non- or limited-English-speaking public. If you are unable to locate an interpreter, you may attempt to communicate using notes, if the person does not object to this method of communication. However, you should count the contact as “American Sign Language” on your Language Tally Sheet, as this is the language in which this individual communicates.

- 7. I am working at the public counter and am approached by a non-English-speaking member of the public. I identify the person's native language and follow my department's procedures to locate a qualified interpreter. Do I count this as a "public contact" on my tally sheet?**

If you use an interpreter in the conversation between you and the non-English-speaking customer while you provide him/her with the required assistance, you would count this contact on your tally sheet. However, if upon connecting with an interpreter, you transfer the caller to another staff member to provide assistance, you do not count the contact on your tally sheet. The employee that provides the requested assistance to the caller is the one who reports the contact; however, there may be instances where you both might record the call. An example of this would be: You receive a call in which you provide the requested assistance to the caller. Once you are finished, he has another question regarding a program within the department that you are not familiar with. You transfer the call to the appropriate unit and they respond to the caller's questions. In this instance, both public contact employees would record this public contact on their tally sheets.

- 8. What do I do if someone walks up to me at the counter and starts speaking in a foreign language?**

You initiate your contact in English to determine the person's English speaking ability. If the person cannot effectively communicate in English, then proceed by identifying the person's language using the language identification guide or other tools/resources provided by your department. Once you have determined the person's native language, you should follow your department's procedures in locating a qualified interpreter.

- 9. I answer a question in English through an interpreter who speaks Portuguese to the person for whom he/she is interpreting. How do I count this contact?**

You count this contact under the Portuguese column on the tally sheet.

- 10. An individual who comes into my office uses Sign Language and only speaks Spanish. Do I count the contact as Sign Language, Spanish or both?**

You must determine which language you need to utilize to be able to effectively communicate with this individual. If he/she uses American Sign Language to communicate, you would record the contact as American Sign. If you learn that the sign language is not American Sign but are able to communicate with the parent through writing notes in Spanish, you should record the contact as Spanish-Sign Language on the Language tally sheet.

- 11. I am one of three departmental staff/board members listening to the testimony at a public hearing.**

A number of non-English speakers testify using an interpreter who is also a member of the public. How should I record these contacts? Every member of the public who testifies at the hearing should be counted once for his/her native language, including English. Additionally, if any of the employees/board members engage in a conversation or respond to questions during the hearing from any member of the public, he or she would count this as a public contact. However, only one contact for each person should be counted regardless of the number of times he/she speaks to a board member or staff.

- 12. If a caller has a family member interpret for the purpose of obtaining services because you do not have a bilingual staff person available, do we log that call as English?**

The staff member was able to utilize the family member as an interpreter. The contact is counted in the language spoken by the non-English speaker. The department must attempt not to use family members as interpreters. It is only in those rare instances when a family member can be used as an interpreter

- 13. The School for the Deaf at Fremont has students using the American Sign Language and teachers are using American Sign Language as medium of instruction in the school. Do we count them as contact in the survey?**

No, these contacts are counted as Internal Population of the Department.

Implementation Plan

1. What is the Implementation Plan, and what state agencies are required to do it? By October 1 of every odd-numbered year, each state agency shall develop an implementation plan that, at a minimum, addresses all of the following:

- The name, position, and contact information of the employee designated by the agency to be responsible for overseeing implementation of the plan.
- A description of the agency's procedures for identifying written materials that needs to be translated.
- A description of the agency's procedures for identifying language needs at local offices and assigning qualified bilingual staff.
- A description of how the agency recruits qualified bilingual staff.
- A description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals.
- A detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies can be remedied.
- A description of the agency's procedures for accepting and resolving complaints of an alleged violation of this chapter.
- A description of how the agency complies with any federal or other state laws that require the provision of linguistically accessible services to the public.
- Any other relevant information requested by the California Department of Human Resources.

2. Why does a department have to complete an Implementation Plan when they have already participated in the Language Survey?

The Implementation Plan is the plan of action of a state agency regarding their bilingual programs, and the progress made in correcting the deficiencies found in the language survey.

3. If deficiencies were found in the department's language survey, how long does it have to correct the deficiencies?

Section 7299.4 (9f) requires that if the department reported any deficiencies in the language survey, the department have to report its progress to CalHR every six months.

Exemption from Implementation Plan Participation

1. Can a department be exempted from participating in the Implementation Plan?

Section 7299.5 states that CalHR may exempt state agencies from the requirements participating in the Implementation Plan. One of the reasons for exemption is if the department does not furnish information or render services to the public, but has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.