

# STATEWIDE LANGUAGE SURVEY AND IMPLEMENTATION PLAN



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**2014-15**

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## REPORT TO THE GOVERNOR AND THE LEGISLATURE



# **LANGUAGE SURVEY AND IMPLEMENTATION PLAN**

**2014-2015**



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## INTRODUCTION

### Executive Summary

This report to the Governor and the Legislature has been prepared by the California Department of Human Resources (CalHR) pursuant to Government Code section 7299.6. The data presented is intended to aid executives in each state agency, department, board, and commission (agency) in planning the delivery of services to the limited-English proficient population of California. The number of Californians age five and over who spoke a language other than English in 2014 is estimated to have been 15.9 million.<sup>1</sup> Approximately 43.9 percent of Californians speak a language other than English in the home.

This report summarizes the 2014 Statewide Language Survey results and subsequent 2015 Implementation Plans that document how each agency provides services to its limited-English proficient clients and addresses identified unmet language needs. Overall, CalHR found 2014-15 results are similar to findings from 2012-13:

- The survey shows that the majority of agencies have resources in place to meet the information needs of their limited-English proficient public; however, due to changes in the way Californians access state services, it is not clear how effective the survey is in measuring this.
- Many agency documents have been translated into the state's most prevalent non-English languages;
- In the vast majority of cases, identified actual position deficiencies have been corrected or an action plan to correct them is in place.

Here is a summary of specific 2014-15 language survey and implementation plan findings:

- A total of 57 agencies participated in the language survey (Exhibit A). This is the same number that participated in the 2012 Language Survey.
- A total of 17 agencies participated in the implementation plan (Exhibit C). This is a decrease of 33 agencies (66 percent) from the 50 agencies that participated in the 2013 Implementation Plan.
  - Due to 2013 amendments to the Act, which realigned questions from the implementation plan to the language survey, 23 of these agencies were not required to participate in the language survey because they reported no deficiencies during the survey phase.

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<sup>1</sup> U.S. Census Bureau. (2014), S1601-Language Spoken at Home: 2014 American Community Survey 1-Year Estimates.

- Ten agencies that should have completed the implementation plan were non-compliant. CalHR is working with each of these agencies to bring about their compliance during the 2016-2017 cycle currently under way.
- Ninety agencies applied for and were granted an exemption from participating in the language survey and implementation plan (Exhibit B). By comparison, this is an increase of 12 agencies (15 percent) from the 78 agencies that were granted an exemption from the 2012 Language Survey. Although in accordance with a 2013 amendment to the Act the term of exemption is through 2024, staff will review exemption documentation prior to the 2018 survey to verify that each exemption is appropriate.
- A total of 4,381,288 public contacts were recorded during a 10-day survey period. This represents an increase of 108,736 public contacts (2.5 percent) from those reported in the 2014-2015 Language Survey and Implementation Plan.
- There are 7,691 certified bilingual positions allocated within the 57 reporting agencies (Exhibit D). This represents a 495 position decrease (6 percent) from the 2012 Language Survey.
- Ninety-eight non-English languages were identified during the language survey period. This is four more than reported in the 2012 Language Survey.
- Because existing automation does not fully recognize different possible forms of compliance according to specific circumstances, whenever the system indicates possible deficiencies, agencies conduct analyses of survey findings to verify whether actual staffing deficiencies exist (Exhibit F).

## Background

The 1973 Dymally-Alatorre Bilingual Services Act (Act) requires each agency<sup>2</sup> that provides public services to employ bilingual employees when a substantial portion of its clients are limited-English proficient. In 1977, the Act was amended to require that materials explaining services in English be translated into languages spoken by a substantial number of the limited-English proficient serviced population. “Substantial” is defined as 5 percent of the population served by any local office or facility of an agency (Gov. Code, § 7896.2); however, the Act also specifies that “the percentage arrived at [is rounded] to the nearest whole percentage point” (Gov. Code, § 7299.4 subd. (a) (11)). This sets at 4.5 percent the standard for determining the number of bilingual contacts

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<sup>2</sup> as defined in Government Code, section 11000

required to establish bilingual positions and translate written materials. Additionally, where an office “employs the equivalent of 25 or fewer regular, full-time employees,” it may substitute qualified bilingual persons in place of translated written materials (Gov. Code, § 7296.4).

In 2002, the Act was amended to require agencies to document both procedures to meet language needs as well as plans to address deficiencies and complaints in providing service to agencies’ limited-English proficient clients. In 2012, the Act was amended once again to transfer oversight responsibility from the State Personnel Board to the newly-formed California Department of Human Resources (CalHR). In 2013, it was amended to allow agencies to request an exemption for a maximum of five survey cycles as well as to move policy-related questions from the implementation plan phase to the language survey.

Most recently, in 2014 the act was amended to add these requirements of agencies meeting the five percent threshold:

- Make written materials or translation aids available in offices that perform statewide functions as well as in offices that serve local communities,
- Make available on their homepages complaint forms and processes for submitting complaints alleging violations of the Act, and
- Provide CalHR with detailed descriptions of the language access complaints they receive.

CalHR is required to inform agencies of their responsibilities under the Act and provide technical assistance and monitor compliance. Agencies are required to conduct a biennial language survey of each of their local offices that serves the general public, and to report to CalHR the number of bilingual employees in public contact positions including the language in which they are certified, the number of bilingual staff needed, and the number and percentage of limited-English proficient clients served by the agency. The Act defines a “public contact position” as “a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency’s functions.”

These are further requirements of the act relating to the language survey. Each agency must analyze the survey results to determine whether identified deficiencies are actual deficiencies.<sup>3</sup> Agencies must identify the anticipated number of vacancies that could be filled with certified staff to correct actual deficiencies, must submit a bilingual services policy signed by the director that outlines the agency’s commitment to comply with the Act and that identifies bilingual services available to its limited English proficient clients; and lastly,

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<sup>3</sup> The Language Survey and Implementation Plan online system carries out a computation to determine whether staffing levels are sufficient to provide service; however, it does not take into account that units of fewer than 25 employees are allowed to provide service through qualified interpreters rather than through bilingual employees. Raw results of the calculation thus identify deficiencies where they do not truly exist.

must provide a list of written materials that are required to be translated or otherwise made accessible.

CalHR has authority to grant agencies exemptions<sup>4</sup> from participating in the language survey and implementation plan for a maximum of five survey cycles. To qualify, an agency must certify one of the following: its primary mission does not include responsibility for furnishing information or rendering services to the public; or it has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff,<sup>5</sup> and it employs fewer than the equivalent of 25 full-time employees in public contact positions. The Act specifically exempts from its provisions the State Compensation Insurance Fund.

### Improvement Activities

CalHR is currently reviewing the Bilingual Services program as a whole to identify and put into place improvements to employee language fluency testing and tracking.

- Clarifying requirements for state agencies.
  - CalHR identified that in responding to questions with multiple parts (i.e. “procedures for identifying language needs... and assigning bilingual staff” in Gov. Code, § 7299.4, subd. (b) (11)), agencies sometimes address only one or the other component and not both, so for 2016-17, these are being asked as separate survey questions.
  - Agency language survey coordinators have requested informational templates to distribute to employees in preparation for conducting the survey. Because the 2016 survey has already been completed, CalHR will develop these for the 2018 survey.
- Improving this report template.
  - CalHR plans to incorporate visual representations of data into future reports.
- Improving the availability and standardization of employee language testing.
  - Explore training state certified administrative hearing, medical examination and court interpreters to proctor bilingual fluency testing for state employees.

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<sup>4</sup> Government Code, section 7299.5.

<sup>5</sup> Government Code, section 7292.

- Evaluating language testing, interpretation and translation standards issued by ASTM International (ASTM, formerly the American Society for Testing Materials) to determine whether they are well-suited to adoption or adaptation by the State of California. ASTM is the U.S. Delegate to the International Standards Organization (ISO).
- Working through CalHR's IT Steering Committee to develop a timeline to program a Language Survey system better able to process the volume of information received.
  - Implementing ISO language codes to more easily compare state data with outside research about language distribution.
  - Exploring means to collect more pertinent information from departments without creating an unreasonable reporting burden.
- Identifying areas of regulatory need to specify and clarify application of the Act. Because there are as yet no program regulations in place, this list represents only a small part of a more comprehensive regulatory package. However, with substantial focus of Civil Rights resources on closing the gender pay gap and completing development of the new Veteran Opportunity in the Workforce of the State (VOWS) Equal Employment Opportunity system, development of this package for provision of language services remains at an early stage. In the opinion of CalHR's Office of Civil Rights, these represent the areas of most pressing regulatory need pertaining to the Dymally-Alatorre Bilingual Services Act.
  - Adopting standards to evaluate and enforce effectiveness of internal and contract language access services.
  - Although the Act applies when an "office or facility" meets threshold, some facilities include multiple offices (for instance, CalHR's facility includes a Personnel Office, a Labor Relations Office, and a Civil Rights Office, among others), while some offices (for instance, the Office of Emergency Services) span multiple facilities. CalHR regulations will define these terms to identify language needs and provide language services most effectively.
  - If an office meeting threshold has 25 or fewer employees, the requirement to translate written texts can instead be met through available qualified bilingual staff or interpreters (Gov. Code, § 7296.4). This could work well enough for short forms, but in some cases it is clear that this is insufficient. For instance, the Employment Development Department "California Employer's

Guide” is a document of over 100 pages providing technical instructions for tax withholding. Regulations would clarify conditions under which verbal translation of texts is sufficient.

CalHR has also been involved in the Immigrant Integration workgroup coordinated through the Governor’s Office, which seeks in part to improve among state departments sharing and collaborative development of language access resources.

## LANGUAGE SURVEY

This section provides an overview of the process used by CalHR to gather the language survey data and findings. When a state agency reports it received a substantial level of contacts (4.5 percent or more) in any local or statewide office or facility, the Act requires that it employ a sufficient number of certified staff in public contact positions to provide the same level of service to limited English proficient individuals speaking the threshold language as is available to English-speaking persons seeking such service or, if the office or facility is of fewer than 25 employees, that it have interpreter services available. When an agency's language survey results indicate language deficiencies, the agency must consider whether available bilingual resources besides certified bilingual public contact staff suffice to mitigate these identified staffing deficiencies.

### Procedures

Each agency must complete and submit a language survey every even-numbered year by October 1 unless it petitions for and is granted an exemption by CalHR. The following provides an overview of the process.

- CalHR updates Language Survey and Implementation Plan (LSIP) On-Line System to reflect changes in reporting requirements that derive from amendments to the Act.
- The updates are tested by agencies to ensure functionality and to verify instructions are clear and concise to facilitate successful completion.
- CalHR develops and provides training to agency Language Survey (LS) Coordinators in the automated language survey and implementation plan online system used to report survey results:
  - Power Point modules online,
  - Webinar instruction,
  - Instructional handouts explaining the different components of the language survey, and

- Monitoring and technical assistance throughout the survey process to respond to any questions and address concerns that may arise during completion of the survey.
- LS Coordinators train public contact staff participating in the language survey.
- The survey takes place over 10 days identified by the agency.
- LS Coordinators submit their results.
  - Enter data into the LSIP system,
  - Analyze the data to determine whether potential staffing deficiencies identified by the automated system reflect actual needs,
  - Finalize the process through transmittal of a form signed by the agency director or designee confirming review and approval of the language survey submittal.
- CalHR Evaluates Submissions:
  - To gain insight into the statewide level of service provided to California's limited-English proficient (LEP) population seeking state services,
  - To assist agencies in resolving identified deficiencies
    - In bilingual staffing
    - In written document translations
- Each agency which has unresolved deficiencies remaining must draft a corrective Implementation Plan in the subsequent year.

## Findings

The major findings of the 2014 language survey are as follows:

### Public Contacts

For purposes of the survey, a “public contact” is the following:

- A person-to-person written or verbal contact.
  1. Related to the performance of the agency’s function.
    - Does not include contacts originating from these sources:
      - Another state agency
      - An entity contracted to the agency conducting the survey.
    - 2. Seeking information that may not be directly related to the agency’s primary function.
      - Press inquiries
      - Private businesses seeking partnership opportunities.
- A total of 4,381,288 public contacts were reported by the 57 agencies that participated in the ten day language survey.
  - The total number of public contacts reported increased 2.5 percent from 4,272,552 in 2012.
  - Persons who were identified as non- or limited-English speaking in 2014 constituted 572,156 contacts (13.1 percent), increasing from 546,802 in 2012.
  - The proportion of non-English contacts increased by 0.3 percent from 2012 to 2014. (Table 1)
- Spanish continues to be the dominant non-English language.
  - There were 475,669 Spanish public contacts recorded.
    - Spanish contacts were 83 percent of non-English contacts.
    - Spanish contacts were 11 percent of total public contacts.

The next five most predominant languages were these:

<b>Language</b>	<b>Contacts</b>	<b>Percentage of Total Contacts</b>
Vietnamese:	18,171	(0.4 percent)
Cantonese:	12,675	(0.3 percent)
Mandarin:	12,498	(0.3 percent)
Tagalog:	7,521	(0.2 percent)
Korean:	7,133	(0.2 percent)

*Table 1 - Public Contact Statistics*

Description	2012 No.	2012 percent	2014 No.	2014 percent
English Contacts	3,725,750	87.2 percent	<b>3,809,132</b>	<b>86.9 percent</b>
Non-English Contacts	546,802	12.8 percent	<b>572,156</b>	<b>13.1 percent</b>
Total Public Contacts	4,272,552		<b>4,381,288</b>	

### Public Contact Positions

The Act defines a public contact position as “a position that emphasizes the ability to meet, contact and deal with the public in the performance of the agency’s functions.”

- There were a total of 60,183 public contact employees reported by the 57 participating agencies in 2014.
  - This is a 4.26 percent increase from the 2012 number. (Table 2)
  - Of these positions, 7,691 or 12.78 percent were certified as bilingual in a non-English language.

A “bilingual person” is proficient in both the English language and the non-English language to be used. The Act requires the employment of “qualified bilingual persons” in public contact positions. “Qualified” is defined as someone who is certified as proficient in the non-English language by passing a bilingual oral fluency examination administered by either CalHR or another testing authority approved by CalHR.

Certified bilingual employees speak these languages.

- Spanish: 5,961 (77.5 percent)
- American Sign Language: 688 (8.9 percent)
- Vietnamese: 243 (3.2 percent)
- Cantonese: 184 (2.4 percent)
- Tagalog: 145 (1.9 percent)
- Mandarin: 136 (1.8 percent)
- Other languages (Exhibit D): 334 (4.3 percent)

In 2014, reported certified bilingual public contact positions decreased by 495 positions (6 percent) from the 8,186 positions reported in the 2012 Language Survey.

In addition to certified bilingual positions, many agencies have non-certified bilingual employees who may be able to assist LEP clients. These are employees who have identified as being bilingual but have not yet been tested to verify fluency. There were 6,842 non-certified bilingual employees in public contact positions (a 4.7 percent decrease from the 2012 Language Survey).

*Table 2 - Public Contact Positions Statistics*

<b>Public Contact Positions</b>	<b>2012 Number</b>	<b>2012 Percent</b>	<b>2014 Number</b>	<b>2014 Percent</b>
English-Only	42,356	73 percent	<b>45,650</b>	<b>76 percent</b>
Non-Certified Bilingual	7,179	12 percent	<b>6,842</b>	<b>11 percent</b>
Certified Bilingual	8,186	14 percent	<b>7,691</b>	<b>13 percent</b>
Total Public Contact Positions	57,721		<b>60,183</b>	

### Bilingual Staffing Deficiencies

Of the 57 agencies that participated in the 2014 Language Survey, 50 agencies (89 percent) met the 5 percent threshold in a non-English language.

- Thirty-six of the 50 threshold agencies (72 percent) had one or more instances in which the survey data indicated a bilingual staffing deficiency.
- Fourteen agencies (28 percent) had no staffing deficiencies indicated.
- Each agency performed an analysis of its findings to determine its actual staffing deficiencies
  - Actual staffing deficiencies totaling 352.57 were identified among 23 agencies in 13 languages (Exhibit F).
  - Mitigating factors cited by the agencies in the analyses included the use of non-certified bilingual staff, an interpreter service, and referral to bilingual staff in neighboring offices.
  - A total of 34 agencies (60 percent) of the 57 agencies that submitted a language survey reported no actual deficiencies (Exhibit G).

Agencies in which deficiencies were found described their plans and timelines to correct the deficiencies. Corrective action plans included, but were not limited to, the following:

- Scheduling non-certified bilingual staff to take the bilingual oral fluency examination.
- Recruiting certified bilingual applicants to fill vacant public contact positions.

### Written Materials Deficiencies

All participating agencies that met the 5 percent threshold in one or more local offices or units in the language survey were required to list the written materials subject to translation under the Act.<sup>6</sup> These written materials include, but are not

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<sup>6</sup> Government Code section 7295.4.

limited to, applications, brochures, forms, letters, notices, questionnaires, website postings and other media.

- Fifty of the 57 agencies that conducted a language survey (89 percent) met the 5 percent threshold in at least one non-English language.
- Documents identified as being subject to translation under the Act were 6,717, which is a 17 percent increase over the 5,737 identified in 2012.
- The agencies indicated that 5,324 written materials had been translated or made available in alternative means, which is a 12 percent increase over the 4,747 reported in 2012.
- Of translations required, 79 percent have been completed as of 2014, in comparison with 74 percent of needed translations complete in 2012.
- Agencies also described their plans for completing an additional 1,393 written material translations.

#### Translated Materials Procedures

The Act requires that agencies describe their procedures for identifying written materials that need to be translated in order to meet the language needs of their substantial limited English proficient public. Of the 57 agencies participating in the language survey, 53 (93 percent) provided a description of their process for identifying written materials that require translation.

Following are examples of how two agencies met the document translation requirement of the Act:

- The Employment Development Department (EDD) has a unit that is responsible for the coordination of translations services for the entire agency. Before documents are scheduled for translation, they are reviewed by all affected entities and Marketing and Constituent Services. Procedures to request translation services are distributed among its programs, and it has a turnaround time of 10 days for Spanish translations and up to 20 days for translation service for all other languages.
- The Lottery identifies which written materials require translation based on the results of the Language Survey, customer demand, and the demographics of each sales territory. The Lottery periodically surveys field staff regarding point of sale contacts to monitor changing demographics in each sales territory. In addition, the Lottery contracts with vendors who specialize in developing marketing and advertising to reach diverse audiences.

### Identifying Language and Staffing Needs

The Act requires that agencies report to CalHR the procedures they have in place for identifying language needs at statewide and local offices. Of the 57 agencies participating in the language survey,

- There were 53 agencies that described their procedures for identifying non-English language needs in their offices.
- Three others noted that because they do not meet the 5 percent threshold, there is no requirement that they provide services, and therefore no policy is in place beyond conducting the survey.
- One agency provided a response that did not address the substance of the question. This agency has provided a more substantive response for the 2016 survey.

The Act also requires agencies report procedures for assigning qualified bilingual staff to meet their limited-English proficient clients' needs.

- There were 49 agencies (86 percent) that provided this information.
- As in statute, this question was combined with the preceding one, and three agencies responding to the first part of the question did not address this part. While retaining substantive wording of the statute:
  - The question has now been split into two within the survey in order to better gather the required information going forward.
- Three others noted that because they do not meet the 5 percent threshold, there is no requirement that they provide services, and therefore no policy is in place beyond conducting the survey.
- The Victim Compensation and Government Claims Board did not respond fully, interpreting "local offices" as referring only to field offices and not their headquarters; however, it did address this question in the 2016 survey.

Following are examples of how two agencies meet these requirements of the Act:

- The California Department of Insurance (CDI) identifies language needs by reviewing Biennial Survey results, soliciting feedback from public contact staff, reviewing requests from the limited English proficient public, and reviewing the frequency and type of requests for interpreter assistance. If bilingual staff is needed, the CDI Bilingual Coordinator works with the unit(s) to certify current staff or to recruit and hire additional bilingual staff. Staff can also contact the CDI Consumer Hotline for assistance in using the Telephone Interpreter Service.

- The Department of Industrial Relations fosters close communication between local offices and the division administrative offices that oversee them. All local hiring is routed through division administrative offices, which communicate needs to the department's Human Resources office. Job announcements to address bilingual staffing needs specify position language requirements.

#### Recruiting Qualified Bilingual Staff

The Act requires agencies to report their procedures for recruiting qualified staff to assist with meeting the non-English language needs at local offices.

- There were 51 agencies (89 percent) describing their procedures for recruiting qualified bilingual staff.
- Six agencies noted that they did not meet threshold.

Following are examples of how two agencies meet this requirement of the Act:

- The California Housing Finance Authority (CalHFA) identifies the need for bilingual positions through the language survey results. Bilingual positions are monitored and management is apprised of bilingual needs prior to recruiting and advertising vacancies. The agency uses recruitment events, external advertisement methods, CalHR's online website and the bilingual oral fluency examination to fill bilingual positions.
- The Bilingual Services Coordinator for Department of Toxic Substances Control (DTSC) contacts DTSC's Human Resources division to determine the best possible option depending on the position availability. Some of the possible options would be to advertise ability in the needed language as a desirable qualification via the jobs.ca.gov website and other recruitment sites, send out digital fliers to advertise on websites, send out paper fliers to colleges and job fairs, as well as recruit bilingual personnel from within other areas of DTSC to areas in which bilingual skills are needed.

#### Training Public Contact Staff

A majority of agencies provide training for their public contact staff to ensure they understand their role in providing an appropriate level of language access to limited-English proficient clients.

- Agencies providing a description of their training programs were 54 (95 percent).
- Two agencies noted that they did not meet threshold (4 percent).
- The Horse Racing Board provided a response that did not address the substance of the question; however, its response in the 2016 survey is substantive.

- While statute requires not only a description of language service training to employees but also its frequency and the most recent date it was offered, not all agencies responded to each part of this question; CalHR has broken this question into three separate questions for the 2016 survey to evoke more thorough responses.

Following are examples of how three agencies meet this requirement of the Act:

- The Employment Development Department has Diversity Training, as a part of which Public contact employees are provided a bilingual terminology book to use as a resource. Employees also participate in a Welcoming Diversity training in person or online, which provides general information about how to provide customer service to a diverse group. New employee orientation also includes information about addressing the needs of limited English proficient (LEP) contacts.
- At the California Public Employees Retirement System, public contact employees receive training on office processes and procedures for providing services to non- or limited-English speaking individuals. This training includes instructions on how to facilitate a customer's requested return call in a different language, and provides guidance on how to handle a customer's request for interpretation services or assist a customer who speaks limited English.
- Department of Rehabilitation (DOR) Bilingual Services Policy and Procedure mandates a biennial demonstration on how to contact telephonic interpreters to assist LEP applicants and consumers, and staff participate in a biennial practice drill on how to contact Telephonic Interpreters to assist LEP individuals. In June, 2014, DOR's Office of Civil Rights also provided guidance to all staff on available bilingual staff resources; contract resources; and the process to request staff to be tested, certified, and paid a bilingual differential when a need is identified.

#### Language Access Complaint Process

It is important that the limited English proficient public has an avenue to submit complaints regarding language access.

- Of agencies completing the language survey, fifty-two (91 percent) provided descriptions of their complaint resolution processes.
- Of the remaining five, three did not meet the 5 percent threshold in any language so are not required to have a complaint policy in place.
- Two agencies, the Department of Parks and Recreation (Parks) and the Victim Compensation and Government Claims Board, provided responses

that did not adequately describe their process for receiving and resolving complaints.

- The Victim Compensation Board gave a substantive response for the 2016 census.
  - As of July 1, 2016 the Government Claims Program moved to the Department of General Services (DGS).
- Parks has a new Language Survey Coordinator who is working with CalHR to achieve compliance.

Following are examples of how three agencies meet this requirement of the Act:

- DGS employees who receive complaints about interpreter/translation services from LEP customers shall contact their immediate supervisor, who in turn shall contact the appropriate Bilingual Services Coordinator. The coordinator shall make every effort to connect the LEP customer with a certified bilingual employee. This is documented in Departmental Administrative Order (08-02).
- The Unemployment Insurance Appeals Board posts notices in each office lobby to advise the public of the right to file a language-access complaint and with instructions to do so. Every complaint is investigated and resolved by the language services liaisons. The investigation includes interviewing all parties involved and, if applicable, listening to the hearing recording(s). At the completion of the investigation, a written resolution is issued to all parties involved.
- When an allegation of a violation of the Act occurs, the Department of Community Services and Development (CSD) contacts the affected client to intervene. CSD will then make accommodations to address the language service not provided to the client. CSD will also provide training and technical assistance to any offending parties to ensure the instance of that action is mitigated in the future.

In an effort to assist the public with language access barriers where agency policies fail, CalHR has multi-lingual language access posters that feature a toll-free telephone number and information on the limited-English proficient public's right to request services in their native language. CalHR requires agencies to post this in prominent areas of their public offices. CalHR maintains the toll-free language access complaint number. Members of the public who believe they did not receive adequate bilingual services from a state agency have a recourse to contact CalHR's toll-free line for additional services. Upon receipt of a language access complaint about an agency, CalHR contacts that agency's language survey coordinator and tracks the issue until it is resolved.

During the two calendar years 2014 and 2015, CalHR received a total of 77 calls on the Language Access Complaint Line; however, not all were language access complaints. A plurality of 23 callers spoke English (30 percent). There were 54 LEP callers:

- Spanish, 13
- Vietnamese, 9
- Cantonese, 8
- Mandarin, 7
- Farsi, 5
- Korean, 5
- Russian, 5
- Japanese, 2

The language line also supports Arabic, Armenian, Punjabi and Tagalog.

#### Compliance with Other State or Federal Language Access Laws

Agencies reporting that in addition to the Act they are subject to other state or federal laws that affect their provision of services to limited-English proficient clients were 36 (63 percent). The remaining 21 (37 percent) reported no other state or federal language access laws with which they are required to comply.

#### Other Resources Used to Provide Language Services

Agencies were asked to include any other resources they employ in order to serve the needs of their limited-English proficient clients. Following are examples cited by four agencies:

- The California Department of Public Health's Office of Compliance makes available via its intranet page a list of all bilingual employees within the department.
- Covered California holds a weekly Spanish Translation Workgroup meeting as part of its enterprise-wide effort to tighten quality assurance on the translations submitted by its vendors.
- California Housing Finance Agency has not only translated material for its Keep Your Home California program web site, it has secured a Spanish language Universal Resource Locator address for a dedicated Spanish version of the site, "Conserva Tu Casa California."

## IMPLEMENTATION PLANS

This section summarizes the process used to gather implementation plans from agencies, and presents an overview of the findings contained in the plans.

### Procedures

Unless specifically exempted by CalHR, each agency for which deficiencies are identified during the language survey must complete and submit an implementation plan to CalHR no later than October 1 of odd-numbered years. The language survey collects information related to the languages spoken by public contacts in agency local offices, bilingual services available to provide an equal level of service, and information related to the services provided to limited-English proficient clients. In contrast, the implementation plan addresses deficiencies in bilingual staffing and/or written materials translation identified in the language survey.

Staffing deficiencies are tabulated according to time base: one deficiency represents one full-time-equivalent (FTE) public contact position, with deficiencies of less than one FTE expressed as partial deficiencies.

### Findings

Due to 2014 changes to the Act, agencies which identified no deficiencies during the language survey were not required to submit implementation plans.

- Ninety agencies (61 percent) were granted exemption from submitting an implementation plan (Exhibit B).
- Of the 57 agencies that completed language surveys, 30 (53 percent) were not required to submit implementation plans because no deficiencies were identified during the language survey.
- Of the 27 agencies required to submit implementation plans, some had staffing deficiencies, and others had document deficiencies.
  - There were 17 agencies that had only staffing deficiencies.
  - Four agencies had only document deficiencies.
  - Six agencies had both staffing and document proficiencies.

Seventeen agencies of the 27 (63 percent) submitted implementation plans, and ten agencies, identified below, did not comply in submitting complete plans.

The major findings of agencies' implementation plan submissions are as follows:

#### Bilingual Staffing Deficiencies

Twenty-three agencies (a 4.5 percent increase since 2012) reported actual bilingual staffing deficiencies totaling 352.57 public contact positions (a 44.5

percent increase since 2012) (Exhibit F). In the implementation plan, these agencies reported their progress in addressing these deficiencies.

- Eleven of the 23 agencies (48 percent) indicated that they had successfully completed an action plan and corrected the actual staffing deficiencies in all units that reported deficiencies.
- An additional three agencies (13 percent) had corrected a majority of their bilingual staffing deficiencies.
- As of the 2015 implementation plan due date, 248.83 reported deficiencies had not been reported resolved; however, as of the 2016 language survey, all agencies completing 2015 implementation plans have resolved all 2014 deficiencies except these two:
  - The Department of Education has 0.87 position deficiency remaining.
  - The Department of Motor Vehicles has 4.67 remaining 2014 position deficiencies.

Six agencies which were required to submit a 2015 implementation plan for resolution of staffing deficiencies did not do so.

- The Board of Equalization nevertheless resolved all 2014 deficiencies as of the 2016 language survey.
- The Department of Food and Agriculture in 2016 reported changes to its organizational structure, so it is no longer possible to track deficiencies identified under the 2014 structure.
- The Department of Industrial Relations (DIR) identified 2.75 position deficiencies in 2014, and has not fully resolved them as of 2016. DIR has a new language survey coordinator who is working with CalHR to resolve outstanding issues.
- The Department of Parks and Recreation (Parks) identified 20.08 position deficiencies in 2014, and has not fully resolved them as of 2016. Parks has a new language survey coordinator who is working with CalHR to resolve outstanding issues.
- The Department of Fish and Wildlife (DFW) identified 18.39 position deficiencies in 2014 and has neither submitted a 2015 implementation plan nor a timely 2016 language survey. DFW has a new language survey coordinator who is working with CalHR to resolve outstanding issues.
- The Department of Forestry and Fire Protection (CalFire) identified 25.95 position deficiencies in 2014 and has neither submitted a 2015 implementation plan nor a timely 2016 language survey. CalFire has a new

language survey coordinator who is working with CalHR to resolve outstanding issues.

Agencies that are not currently in compliance are required to report to CalHR at least every six months (Gov. Code, § 7299.4, subd. (f)).

The remaining agency that participated in the 2015 implementation plan completed all reporting requirements with the exception of the signature signifying directorial acknowledgement of the submission.

#### Written Materials Deficiencies

All participating agencies that met the 5 percent threshold in one or more local offices or units in the language survey were required to list the written materials subject to translation under the Act.<sup>7</sup> These written materials include, but are not limited to, applications, brochures, forms, letters, notices, questionnaires, website postings and other media.

Fifty of the 57 agencies that conducted a language survey (88 percent) met the 5 percent threshold in at least one non-English language, and 6,717 documents were identified as being subject to translation under the Act. The agencies indicated that 5,324 written materials (79 percent) had been translated. These agencies also described their plans for completing an additional 1,393 written material translations.

In the implementation plan, these agencies also indicated whether or not they had fulfilled their translation plans, and if not, their intentions regarding correcting these outstanding written materials deficiencies. Eleven agencies reported written materials deficiencies (Exhibit I). The Act requires these agencies follow-up with CalHR at six-month intervals to confirm deficiencies are resolved.

Seven agencies with written material deficiencies did not submit Implementation Plans as required:

- Department of Equalization
- Department of Fish and Wildlife
- Department of Housing and Community Development
- Department of Industrial Relations
- Department of Parks and Recreation, Department of Public Health
- Department of Social Services

Six agencies in their language surveys certified that no translations are required even though one or more units met the 5 percent threshold. Under the Act, for any unit that employs “the equivalent of 25 or fewer regular, full-time employees,

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<sup>7</sup> Government Code section 7295.4.

it shall constitute compliance” if qualified bilingual staff or interpreters are available (Gov. Code, § 7296.4). These agencies were not required to submit implementation plans unless staffing deficiencies also were identified.

## CONCLUSIONS

The method of providing customer service has evolved since 1973 with the usage of the internet. The availability of agency information on websites is widespread; however, the survey only measures person-to-person contact. As a result, it is unknown whether the survey provides an accurate measurement of public language support needs.

The number of position deficiencies has increased from the 2012-2013 survey cycle, which may be attributable to the retirement of bilingual certified employees. As new multi-lingual employees are hired, the demand for language fluency certification testing increases. Currently CalHR relies on other state agencies to donate the time of high-scoring certified employees to proctor fluency examinations. CalHR has no comprehensive tracking mechanisms for certified employees, so securing proctors to conduct testing can be difficult, and agencies seeking employee testing may wait two months or more.

CalHR plans to integrate reporting capacity into its Examination and Testing Online System (ECOS) during the fourth phase of programming, which is anticipated to begin in mid-2017. To address shortfalls in training capacity, CalHR is exploring a short-term solution of training the state’s contracted interpreters to proctor fluency examinations, and a long-term solution of developing testing guidelines and delegating testing authority so agencies can develop and conduct their own tests or contract with qualified vendors as needed. Starting with the 2016-17 budget cycle, the State Personnel Board is working with CalHR to incorporate into its compliance review process consideration of agency language service provision.

Ninety-eight non-English languages were encountered through the state’s 60,183 public contact positions. Spanish continues to be the dominant non-English language with 475,669 contacts, which is 83 percent of non-English contacts and 11 percent of all contacts. There are 6,842 public contact employees who have identified as bilingual but have not yet been tested. As CalHR improves testing capacity, these employees’ bilingual skills can be verified to document that state agencies are providing bilingual service as required under the Act.

In light of California’s continuously increasing language service needs, CalHR has identified program improvements both to better coordinate existing resources and to develop additional untapped opportunities. CalHR’s review of its Language Services program is ongoing and is expected to yield meaningful improvements.

## Exhibit A: Agencies Participating in 2014 Language Survey (57)

<b>Language Survey Participating Agencies</b>
Agricultural Labor Relations Board
Air Resources Board
Alcoholic Beverage Control, Department of
State and Community Corrections, Board of
Conservation Corps, California
Health Care Services, Department of
Human Resources, California Department of
Public Health, California Department of
State Hospitals, Department of
Exposition and State Fair, California
Health Benefit Exchange, California
Highway Patrol, California
Housing Finance Agency, California
Library, California State
Lottery, California State
Resources Recycling and Recovery, Department of
Child Support Services, Department of
Community Services and Development, Department of
Consumer Affairs, Department of
Controller, Office of the California State
Correctional Health Care Services, California
Corrections and Rehabilitation, California Department of
Developmental Disabilities, State Council on
Business Oversight, Department of
Developmental Services, Department of
Education, Department of
Employment Development Department
Equalization, Board of
Fair Employment and Housing, Department of

<b>Language Survey Participating Agencies</b>
Fish and Wildlife, Department of
Food and Agriculture, Department of
Forestry and Fire Protection, Department of
Franchise Tax Board
General Services, Department of
High Speed Rail Authority, California
Horse Racing Board, California
Housing and Community Development, Department of
Industrial Relations, Department of
Insurance, Department of
Justice, Department of
Managed Health Care, Department of
Motor Vehicles, Department of
Parks and Recreation, Department of
Personnel Board, State
Pesticide Regulation, Department of
Public Employees' Retirement System, California
Public Utilities Commission, California
Rehabilitation, Department of
Secretary of State
Social Services, Department of
Energy Resources Conservation and Development Commission
Toxic Substances Control, Department of
Transportation, Department of
Unemployment Insurance Appeals Board, California
Veterans Affairs, California Department of
Victim Compensation Board, California
Water Resources Control Board

## Exhibit B: Agencies Exempted from Participation in 2014-2015 Language Survey and Implementation Plan (90)

Exempted Agencies
Administrative Law, Office of
African-American Museum, California
Aging, Commission on
Aging, Department of
Alcoholic Beverage Control Appeals Board
Alternative Energy and Advanced Transportation Financing Authority
Arts Council, California
Baldwin Hills Conservancy
Business, Consumer Services, and Housing Agency
Children and Families First Commission
Citizens Compensation Commission
Coachella Valley Mountains Conservancy
Coastal Commission, California
Coastal Conservancy, State
Colorado River Board
Community Colleges, California
Conservation, Department of
Debt and Investment Advisory Commission, California
Debt Limit Allocation Committee, California
Delta Protection Commission
Delta Stewardship Council
Earthquake Authority, California
Economic Development, Commission for
Education Audit Appeals Panel
Educational Facilities Authority, California
Emergency Medical Services Authority
Emergency Services, California Governor's Office of
Employment Training Panel, California

<b>Exempted Agencies</b>
Environmental Health Hazard Assessment, Office of
Environmental Protection Agency
Fair Political Practices Commission
Finance, Department of
FISCAL
Gambling Control Commission, California
Government Operations Agency
Governor, Office of the
Health and Human Services Agency
Health Facilities Financing Authority, California
Health Planning and Development, Office of Statewide
Independent Living Council, State
Industrial Development Financing Advisory Committee
Inspector General, Office of the
Institute for Regenerative Medicine
Judicial Performance, Commission on
Labor and Workforce Development Agency
Law Revision Commission, California
Legislative Counsel, Office of
Lieutenant Governor, Office of
Little Hoover Commission
Mental Health Services Oversight and Accountability Commission
Military Department
Native American Heritage Commission
Natural Resources Agency, California
Peace Officer Standards and Training, Commission on
Pilot Commissioners, Board of
Pollution Control Financing Authority, California
Prison Industry Authority, California
Public Defender, Office of the State
Public Employment Relations Board

<b>Exempted Agencies</b>
Sacramento-San Joaquin Delta Conservancy
San Diego River Conservancy
San Francisco Bay Conservation and Development Commission
San Gabriel Lower Los Angeles Rivers and Mountains Conservancy
San Joaquin River Conservancy
Santa Monica Mountains Conservancy
Scholarshare Investment Board
School Finance Authority, California
Science Center, California
Seismic Safety Commission
Sierra Nevada Conservancy
State Audits, Bureau of
State Lands Commission
State Mandates, Commission on
Student Aid Commission, California
Summer School for the Arts
Systems Integration, Office of
Tahoe Conservancy, California
Tax Credit Allocation Committee, California
Teacher Credentialing, Commission on
Teachers' Retirement System, California State
Technology, Department of
Traffic Safety, Office of
Transportation Agency, California State
Transportation Commission, California
Transportation Financing Authority, California
Treasurer, Office of the State
Uniform State Laws, Commission on
Water Resources, Department of
Women and Girls, Commission on the Status of
Workforce Development Board, California

### Exhibit C: Agencies Participating in 2015 Implementation Plan (17)

<b>Implementation Plan Participating Agencies</b>
Business Oversight, Department of
Correctional Health Care Services, California
Developmental Disabilities, State Council on
Developmental Services, Department of
Education, Department of
Employment Development Department
Health Care Services, Department of
Horse Racing Board, California
Insurance, Department of
Motor Vehicles, Department of
Pesticide Regulation, Department of
Public Employees' Retirement System, California
Public Utilities Commission, California
Secretary of State
Toxic Substances Control, Department of
Transportation, Department of
Water Resources Control Board

**Exhibit D: 2014 Reported Bilingual Certified Positions**

<b>Language</b>	<b>Number of Certified Positions</b>
Braille	1
Arabic	10
Amharic	3
American Sign Language	688
Bengali	1
Mandarin	136
Chinese (Written)	7
Chamorro/Guamanian	1
French	5
German	1
Gujarati	3
Hebrew	1
Hmong	17
Hindi	32
Armenian	67
Ibo/Igbo	1
Mien	1
Japanese	4
Korean	51
Cambodian/Khmer	6
Lithuanian	1
Thai	2
Pashto/Pushto/Afghani	1
Farsi	33
Punjabi/Panjabi	33
Portuguese	4
Romanian	1
Russian	37

<b>Language</b>	<b>Number of Certified Positions</b>
Samoan	1
Spanish	5,961
Croatian	2
Tamil	3
Tagalog	145
Urdu	4
Vietnamese	243
Cantonese/Yue	184
<b>Total</b>	<b>7,691</b>

### Exhibit E: 2014 Reported Staffing Deficiencies by Language

Language	Preliminary Deficiency Count	Actual Deficiency Count
American Sign Language	31.75	30.06
Amharic	2.27	2.27
Armenian	5.07	2.52
Cambodian/Khmer	7.1	7.1
Cantonese/Yue	3.02	1.1
Croatian	0.09	0
French	0.57	0.13
German	1.12	0.3
Hawaiian/Pidgin	0.18	0
Hebrew	0.29	0
Hindi	0.97	0
Hmong	4.07	3.34
Japanese	0.4	0.07
Korean	3.14	0.07
Mandarin	13.58	9.41
Mongolian/Halh	0.36	0
Portuguese	1.91	0
Punjabi/Panjabi	1.14	0
Romanian	0.58	0
Russian	0.73	0
Spanish	835.91	281
Tagalog	16.64	14.13
Thai	0.02	0
Vietnamese	12.21	1.07
<b>Total</b>	<b>943.12</b>	<b>352.57</b>

**Exhibit F: 2014 Reported Actual Deficiencies by Language by Agency**

<b>Department</b>	<b>Language</b>	<b>Actual Deficiencies</b>
Correctional Health Care Services, California	Spanish	2.83
Correctional Health Care Services, California	Tagalog	1.77
Developmental Disabilities, State Council on	Spanish	1.86
Developmental Services, Department of	Amharic	2.27
Developmental Services, Department of	Mandarin	1.05
Developmental Services, Department of	Spanish	0.85
Developmental Services, Department of	Tagalog	0.86
Education, Department of	American Sign Language	30.06
Education, Department of	Cambodian/Khmer	7.1
Education, Department of	Spanish	132.05
Employment Development Department	Spanish	7.54
Equalization, Board of	Spanish	1
Fish and Wildlife, Department of	Armenian	2.52
Fish and Wildlife, Department of	Hmong	3.34
Fish and Wildlife, Department of	Spanish	8.07
Fish and Wildlife, Department of	Tagalog	4.46
Food and Agriculture, Department of	Spanish	26
Forestry and Fire Protection, Department of	Spanish	25.95
Health Care Services, Department of	Spanish	2.76
Health Care Services, Department of	Tagalog	6.28
Horse Racing Board, California	Spanish	1.71
Industrial Relations, Department of	Spanish	13.33
Insurance, Department of	Spanish	6.5
Motor Vehicles, Department of	Mandarin	8.26
Motor Vehicles, Department of	Spanish	8.09
Motor Vehicles, Department of	Vietnamese	1
Parks and Recreation, Department of	Cantonese/Yue	0.05
Parks and Recreation, Department of	French	0.13

<b>Department</b>	<b>Language</b>	<b>Actual Deficiencies</b>
Parks and Recreation, Department of	German	0.3
Parks and Recreation, Department of	Japanese	0.07
Parks and Recreation, Department of	Korean	0.07
Parks and Recreation, Department of	Mandarin	0.1
Parks and Recreation, Department of	Spanish	19.29
Parks and Recreation, Department of	Vietnamese	0.07
Pesticide Regulation, Department of	Spanish	4.74
Public Employees' Retirement System, California	Spanish	3.49
Public Employees' Retirement System, California	Tagalog	0.6
Public Utilities Commission, California	Cantonese/Yue	0.55
Public Utilities Commission, California	Spanish	0.75
Public Utilities Commission, California	Tagalog	0.16
Secretary of State	Cantonese/Yue	0.5
Secretary of State	Spanish	1.5
Toxic Substances Control, Department of	Spanish	8.19
Transportation, Department of	Spanish	2.6
Veterans Affairs, California Department of	Spanish	0.48
Water Resources Control Board	Spanish	1.42
<b>Total</b>	<b>All Languages</b>	<b>352.57</b>

### Exhibit G: Agencies Reporting No 2014 Bilingual Staffing Deficiencies (27)

<b>Agencies with No Deficiencies</b>
Agricultural Labor Relations Board
Air Resources Board
Alcoholic Beverage Control, Department of
Business Oversight, Department of
Child Support Services, Department of
Community Services and Development, Department of
Conservation Corps, California
Consumer Affairs, Department of
Corrections and Rehabilitation, California Department of
Fair Employment and Housing, Department of
Franchise Tax Board
General Services, Department of
Health Benefit Exchange, California
Highway Patrol, California
Housing and Community Development, Department of
Housing Finance Agency, California
Human Resources, California Department of
Justice, Department of
Lottery, California State
Managed Health Care, Department of
Public Health, California Department of
Rehabilitation, Department of
Resources Recycling and Recovery, Department of
Social Services, Department of
State Hospitals, Department of
Unemployment Insurance Appeals Board, California
Victim Compensation Board, California

**Exhibit H: Summary of Staffing Deficiencies by Agency**

Agency	Actual Position Deficiencies	Corrected as of Implementation Plan	Remaining 2014 Deficiencies Corrected by 2016 LS	Not Yet Corrected
Correctional Health Care Services, California	4.6	4.6		-
Developmental Disabilities, State Council on	1.86	1.86		-
Developmental Services, Department of	5.03	5.03		-
Education, Department of	169.21	-	168.34	0.87
Employment Development Department	7.54	6.7	0.84	-
Equalization, Board of	1	Non-Compliant	1	-
Fish and Wildlife, Department of	18.39	Non-Compliant	Non-Compliant	18.39
Food and Agriculture, Department of	26	Non-Compliant	Reorganized	Unknown
Forestry and Fire Protection, Department of	25.95	Non-Compliant	Non-Compliant	25.95
Health Care Services, Department of	9.04	9.04		-
Horse Racing Board, California	1.71	1.71		-

Agency	Actual Position Deficiencies	Corrected as of Implementation Plan	Remaining 2014 Deficiencies Corrected by 2016 LS	Not Yet Corrected
Industrial Relations, Department of	2.75	Non-Compliant	-	2.75
Insurance, Department of	6.5	6.5	-	-
Motor Vehicles, Department of	17.35	11.68	-	5.67
Parks and Recreation, Department of	20.08	Non-Compliant	-	20.08
Pesticide Regulation, Department of	4.74	4.74	-	-
Public Employees' Retirement System, California	4.09	4.09	-	-
Public Utilities Commission, California	1.46	1.46	-	-
Secretary of State	2	-	2	-
Toxic Substances Control, Department of	8.19	-	8.19	-
Transportation, Department of	2.6	2.6	-	-
Veterans Affairs, California Department of	0.48	0.38	0.1	-
Water Resources Control Board	1.42	1.42	-	-

**Exhibit I: Summary of Written Material Translations by Agency**

Agency	Subject to the Act 2014	Translated	Remaining Untranslated as of 2016
Agricultural Labor Relations Board	54	54	-
Air Resources Board	91	91	-
Alcoholic Beverage Control, Department of	6	6	-
Business Oversight, Department of	22	19	3
Child Support Services, Department of	15	15	-
Community Services and Development, Department of	4	4	-
Conservation Corps, California	1	1	-
Consumer Affairs, Department of	171	171	-
Controller, Office of the California State	Did not meet threshold	-	-
Correctional Health Care Services, California	Certified no translations required	-	-
Corrections and Rehabilitation, California Department of	73	73	-
Developmental Disabilities, State Council on	Certified no translations required	-	-
Developmental Services, Department of	84	84	-
Education, Department of	127	127	-
Employment Development Department	987	493	494
Energy Resources Conservation and Development Commission	Did not meet threshold	-	-
Equalization, Board of	109	70	39

Agency	Subject to the Act 2014	Translated	Remaining Untranslated as of 2016
Exposition and State Fair, California	Did not meet threshold	-	-
Fair Employment and Housing, Department of	25	25	-
Fish and Wildlife, Department of	40	-	40
Food and Agriculture, Department of	22	22	-
Forestry and Fire Protection, Department of	15	15	-
Franchise Tax Board	Certified no translations required	-	-
General Services, Department of	10	10	-
Health Benefit Exchange, California	9	9	-
Health Care Services, Department of	124	124	-
High Speed Rail Authority, California	Did not meet threshold	-	-
Highway Patrol, California	183	183	-
Horse Racing Board, California	4	4	-
Housing and Community Development, Department of	67	56	11
Housing Finance Agency, California	9	9	-
Human Resources, California Department of	Certified no translations required	-	-
Industrial Relations, Department of	42	42	-
Insurance, Department of	14	14	-
Justice, Department of	32	28	4

Agency	Subject to the Act 2014	Translated	Remaining Untranslated as of 2016
Library, California State	Did not meet threshold	-	-
Lottery, California State	23	23	-
Managed Health Care, Department of	23	23	-
Motor Vehicles, Department of	1,537	786	751
Parks and Recreation, Department of	174	173	1
Personnel Board, State	Did not meet threshold	-	-
Pesticide Regulation, Department of	73	73	-
Public Employees' Retirement System, California	Certified no translations required	-	-
Public Health, California Department of	1,091	1,069	22
Public Utilities Commission, California	80	67	13
Rehabilitation, Department of	22	22	-
Resources Recycling and Recovery, Department of	6	6	-
Secretary of State	2	2	-
Social Services, Department of	1,049	1,034	15
State and Community Corrections, Board of	Did not meet threshold	-	-
State Hospitals, Department of	5	5	-
Toxic Substances Control, Department of	200	200	-
Transportation, Department of	2	2	-

Agency	Subject to the Act 2014	Translated	Remaining Untranslated as of 2016
Unemployment Insurance Appeals Board, California	10	10	-
Veterans Affairs, California Department of	Certified no translations required	-	-
Victim Compensation Board, California	56	56	-
Water Resources Control Board	24	24	-