



Language Survey Frequently Asked Questions

What is the Language Survey?

The Language Survey is the tool used to measure the number of public contacts received in each agency's units, the number of public contact employees in each unit, the language services agencies currently provide, and the language services agencies require in order to meet public need.

How does the language survey work?

Agencies report public contact data to determine whether substantial numbers of non-English-proficient persons seek services from any of their units.

Although [Government Code § 7296.2](#) defines "substantial" as "5 percent or more of the people served" by a unit, [Government Code § 7299.4](#) (b) (11) specifies, "Each agency shall calculate the percentage of non-English-speaking people served by each statewide and local office by rounding the percentage arrived at to the nearest whole percentage point." This means that although we may reference the "5 percent threshold," bilingual service requirements actually go into effect once 4.5 percent of a unit's public contacts are in the same non-English language.

Once a unit meets this threshold, it must provide to speakers of the language meeting threshold (the "threshold language") a level of service equivalent to that provided in English. Providing this service is typically through certified bilingual public contact employees and translated written documents. Even though only the unit meeting threshold is required to have bilingual staff on hand to provide service, all translated documents must be distributed to all units that provide the same type of service regardless of whether or not those other units meet threshold for that language.

May my agency request an exemption from participating in the language survey?

Agencies may request an exemption from CalHR under [Government Code § 7299.5](#) if either of the following is true:

- The agency's primary mission does not include responsibility for furnishing information or rendering 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 [Government Code § 7292](#), and the agency employs fewer than the equivalent of 25 full-time employees in public contact positions.

Note that CalHR has the option, not an obligation, to issue exemptions.

Should an agency provide bilingual services to the public even if it is exempted from participation in the survey?

Yes – State and Federal law support this:

[Government Code § 7291](#)

The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them....

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

[Title VI of the Civil Rights Act of 1964 – Department of Justice Overview](#)

If a recipient of federal assistance is found to have discriminated [on the basis of national origin] and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court.

Can we still hire bilingual employees in a language that doesn't meet threshold?

Yes – according to [Government Code § 7299.8](#)

It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of qualified interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency....

Please See [Policy 1003](#) and [Pay Differential 14](#) for more specific direction.

Who conducts the language survey?

All employees in public contact positions, as identified by each agency's language survey coordinator, typically under the authority of the Equal Employment Opportunity Officer, the Personnel Officer or the Director's Office.

How is the survey data collected by public contact employees?

During the survey period, each public contact employee will log each public contact using form [CalHR 783](#), which is to be distributed by the agency. Following an arbitration arising out of an agency's use of a non-standard form, CalHR now requires that all agencies use the form provided.

The language survey coordinator will provide direction for public contact employees to identify non-English languages by having customers point to their language on the language identification sheet distributed by CalHR. Also, the language survey coordinator has responsibility to distribute the tally sheet to public contact employees. It may be helpful to include an accompanying list of reporting units and reporting groups as described in the LSIP online system so that employees are not confused about what to enter in those fields of the form. If the Coordinator plans to compile data from the forms into Excel for review, public contact employees should also be provided with instructions to save CalHR 783 to their computers for completion in Acrobat (not via a web-browser), then to save the file rather than using the "print to pdf" function.

After the language survey, the language survey coordinator and reporting assistants collect the tally sheets. If collecting digital versions of the forms, they should all be saved in the same location, and care should be taken to give each file a distinct name so that newly saved forms do not overwrite forms received earlier. (Depending on your system settings, including a unique number in each filename may happen automatically.) To compile all received forms to a single

Excel sheet from within Acrobat DC (which avoids having to open each received file individually), follow these steps:

1. Open and view a blank copy of the form.
2. Select the “edit” option from the taskbar near the top to open its dropdown menu.
3. Within the dropdown menu, mouse over the “Form Options” item to open its submenu to the side of the main menu.
4. Within the submenu, click “Merge data files into spreadsheet” to open the “Export data from multiple forms” dialogue box.
5. Click the “Add Files” button.
6. In the “Select File Containing Form Data” popup, highlight all received CalHR 783 tally forms, then click the “Open” button.
7. Verify that the “Export Data From Multiple Forms” box shows the forms you selected, then click the “Export” button.
8. In the “Select Folder To Save File” box, pick the location you want to save the file, name it as desired, and click the “save” button.
9. The resulting Comma Separated Value (CSV) file may be opened with Excel; however, if you will be conducting any analysis within the spreadsheet, you will need to “save as” an xlsx file to preserve any functions you add.

To see a walkthrough of this process, view [LSIP Module – Information and Administration](#) starting at 6:56.

What is the duration of the survey?

The agency selects ten days to conduct the survey. The entire agency has to participate on the same days (this is not a legal requirement but is due to the technical limitations of the data collection system. Contact CalHR in case of any issues). While in the past, agencies have been encouraged to schedule two consecutive weeks, we recognize that different units have different activity cycles. If possible, the coordinator should select days expected to reflect typical public contacts across the various units participating. If some units are open weekends, it may be appropriate to schedule 7 of the 10 days on weekdays and the remaining three on weekends to approximate the ratio of weekend days to weekdays during the week.

What information does the survey collect?

- Contact information for the survey coordinator and the coordinator’s manager.
- All units statewide that provide services to the public, by county.
- The number of public contact employee in each of these units, and the languages they speak.

- The dates your agency conducted the survey.
- If non-English-language service deficiencies are identified, how the agency plans to address the issue going forward.
- List of documents required to be translated, which languages they are to be translated into, and whether translation has been completed.
- Number of anticipated public contact position vacancies in which bilingual hires can be made to improve non-English-language service provision.
- The agency's bilingual policy, showing commitment to comply with Act.
- The agency's policies and procedures to provide bilingual services.
- A description of language access complaints received by the agency.
- Citation of laws besides the Act requiring the agency to provide bilingual services.

What can agencies expect during the Language Survey and Implementation Plan cycle?

After an agency conducts its ten-day survey to collect language data on its public contacts, the agency enters that data into the LSIP system, then analyzes it to determine whether any deficiencies identified by the system can be remedied with existing resources.

Following analysis, agencies with actual position or document deficiencies remaining have a year to resolve them before the Implementation Plan is due on October 1 of the odd-numbered year. Agencies still having unresolved deficiencies at that time must submit formal plans for resolution (again via the online system). CalHR is required to order changes to submitted plans that fail to address the deficiencies. Agencies putting these plans into effect must check in with CalHR at six-month intervals (every April and October 1) to report progress, and if reasonable progress is not being made toward compliance, CalHR has authority to issue orders that will bring the agency into compliance.

If, following your language survey analysis, you anticipate difficulties in resolving any actual deficiencies, please promptly contact CalHR for assistance.

Does CalHR offer training for the language survey coordinators?

There are several resources to help coordinators to conduct meaningful surveys. The [LSIP system sign-in page](#) includes training materials such as powerpoint presentations and video training modules. Once the coordinator logs into the welcome page, each step of the reporting process includes instructions to assist the coordinator, and CalHR's Bilingual Services program is also available via email and phone. When resources permit, CalHR will inform agencies of planned in-person trainings.

How do departments access the online system?

Once CalHR has completed preparations for each new cycle, language survey coordinators are given access to set up user accounts. If an additional Master User (with full access to department data) is needed, that individual must use the “New Users – [Sign Up Here](#)” interface, and the language survey coordinator (or the coordinator’s supervisor) must provide approval to CalHR.

Do all employees access the online system?

No, only the language survey coordinator and reporting assistants designated by the language survey coordinator. Master Users such as the language survey coordinator have access to all components of the online system while reporting assistants only have access to data for assigned reporting areas. Reporting assistants help with coordination and key in survey data for assigned work units.

What kind of information does the survey generate?

The language survey results will determine in which offices or units the 5 percent threshold has been met as well as the number of certified bilingual staff required to provide an equal level of service. The language survey coordinator with the guidance of management will review the survey results for each local office/unit and verify if the results show an “indicator” of deficiency, then analyze the data to determine if the “indicator of deficiency” represents an “actual deficiency”.

The LSIP system refers to “indicated deficiencies” and “actual deficiencies.” What is the difference?

When contact data is entered into it, the system evaluates coverage based on the number of public contacts a typical employee can serve during a shift. In this context, an “indicator of deficiency” means that the computer has identified that the number of bilingual employees may not be sufficient to meet demand of the public requesting services in non-English languages that meet the 5 percent threshold.

In the case of written materials, an “indicator of deficiency” means that one of the agency’s units meets the service threshold but uses one or more documents that have not yet been translated into the target language.

In some cases, the law allows for these requirements to be met through alternate means. For instance, a unit that does not have sufficient Spanish-speaking employees to meet demand may be able to get help from another unit in the same building that has excess capacity (or via an online meeting platform

if employees are working remotely); or a unit with plentiful bilingual employees may be able to explain a document upon customer request if it has not yet been translated. If the staff of a reporting unit meeting threshold is less than the equivalent of 25 full time employees, it is acceptable to provide language services through an interpreter instead of a bilingual employee. An explanation of such circumstances would be uploaded to the Language Survey's Position Deficiency Analysis tab, and the Deficiency Corrective Plan should indicate that these are not true deficiencies.

Any service need, whether contact or document, that the agency still cannot meet after taking into account services provided through alternative means are considered "actual deficiencies." An agency with actual deficiencies is required to complete the implementation plan report during the year following the survey in order to describe its actions to resolve its actual language deficiencies.

Can an agency meet the 5 percent threshold and not have any "indicator of deficiencies"?

Yes. When a unit meets this threshold, this only means that it is receiving a significant number of contacts in a non-English language. If an agency has planned effectively, bilingual staff and translated documents will already be on hand to meet this need. Agencies should not wait until they reach the threshold to begin planning but should take action once they anticipate a need in a particular unit. Only if a unit meeting threshold does not have sufficient certified bilingual employees or translated documents in place will the LSIP system indicate that deficiencies exist.

What does CalHR do with the language survey results?

CalHR reviews survey and implementation plan results and compiles and reports the resulting information to the Legislature every two years, identifying significant problems or deficiencies and proposing solutions where warranted. CalHR also reports on agencies' compliance with the Act to the Legislature during budget committees and special hearings when asked.

What legal authority requires state agencies to conduct the survey?

[Government Code § 7299.4](#)

(a) Notwithstanding any other provision in this chapter, each state agency shall conduct a language survey and develop and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a language survey of each of its statewide and local offices every two years to determine and provide all of the following:

(1) The name, position, and contact information of the employee designated by the agency responsible for complying with this chapter.

(2) The number of public contact positions in each statewide and local office.

(3) The number of qualified bilingual employees in public contact positions in each statewide and local office, and the languages they speak, other than English.

(4) The number and percentage of non-English-speaking people served by each statewide and local office, broken down by native language.

(5) The number of anticipated vacancies in public contact positions.

(6) Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(7) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.

(8) A list of materials identified in paragraph (7) that have been translated and languages into which they have been translated.

(9) The number of additional qualified bilingual public contact staff, if any, needed at each statewide and local office to comply with this chapter.

(10) A detailed description of the agency's procedures for identifying written materials that are required to be translated.

(11) Each agency shall calculate the percentage of non-English-speaking people served by each statewide and local office by rounding the percentage arrived at to the nearest whole percentage point.

(12) A detailed description of the agency's procedures for identifying language needs at statewide and local offices and assigning qualified bilingual staff to those offices.

(13) A detailed description of how the agency recruits qualified bilingual staff in statewide and local offices.

(14) A detailed description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals, frequency of training, and date of most recent training.

(15) A detailed description of complaints regarding language access received by the agency and the agency's procedures for accepting and resolving complaints of an alleged violation due to failure to make available translated documents or provide interpreter service through bilingual staff or contract services.

(16) A detailed description of how the agency complies with any federal or other state laws that require the provision of linguistically accessible services to the public.

(17) Any other relevant information requested by the Department of Human Resources.

(c) The language survey results and any additional information requested shall be reported in the form and at the time required by the Department of Human Resources, and delivered to the department not later than October 1 of every even-numbered year.

(d) Every odd-numbered year, each agency that served a substantial number of non-English-speaking people shall develop an implementation plan that provides a detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including, but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at statewide and local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies will be remedied.

(e) In developing its implementation plan, each state agency may rely upon data gathered from its most recent language survey.

(f) Each state agency shall submit its implementation plan to the Department of Human Resources no later than October 1 of each applicable year. The

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Department of Human Resources shall review each implementation plan, and, if it determines that the implementation plan fails to address the identified deficiencies, shall order the agency to supplement or make changes to its plan. A state agency that has been determined to be deficient shall report to the Department of Human Resources every six months on its progress in addressing the identified deficiencies.

(g) If the Department of Human Resources determines that a state agency has not made reasonable progress toward complying with this chapter, the department shall issue orders that it deems appropriate to effectuate the purposes of this chapter.