

ASSEMBLY BILL

No. 2408

Introduced by Assembly Member Yee

February 19, 2004

An act to amend Sections 7294, 7299.4, and 7299.6 of, and to add Sections 7299.7 and 7299.75 to, the Government Code, relating to bilingual services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as introduced, Yee. Bilingual services.

Under the Dymally-Alatorre Bilingual Services Act, every state agency, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, as required to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person. The act provides that an employee of a state or local agency may not be dismissed to carry out the purposes of the act, and that an agency need only implement the act by filling employee public contact positions made vacant by retirement or normal attrition.

This bill would also require the filling of newly created positions.

The act requires each agency to conduct a survey of its local offices every 2 years to determine prescribed matters, and requires the State Personnel Board to review the surveys and report any deficiencies to the Legislature.

This bill would require the survey and report to include additional information, and, if deficiencies in bilingual staffing are identified,

would require state agencies to fill public contact jobs with qualified bilingual staff, unless exempted by the board, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7294 of the Government Code is
2 amended to read:

3 7294. An employee of a state or local agency, as defined by
4 Sections 11000 and 54951, may not be dismissed to carry out the
5 purposes of this chapter. A state or local public agency need only
6 implement this chapter by filling employee public contact
7 positions *newly created or* made vacant by retirement or normal
8 attrition.

9 SEC. 2. Section 7299.4 of the Government Code is amended
10 to read:

11 7299.4. (a) Notwithstanding any other provision in this
12 chapter, each state agency shall conduct an assessment and
13 develop and update an implementation plan that complies with the
14 requirements of this chapter.

15 (b) Each agency shall conduct a survey of each of its local
16 offices every two years to determine all of the following:

17 (1) The number of public contact positions in each local office.

18 (2) The number of bilingual employees in public contact
19 positions in each local office, and the languages they speak, other
20 than English.

21 (3) *The number of bilingual employees in public contact*
22 *positions needed at each local office to implement fully Section*
23 *7292.*

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

27 ~~(4)~~

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

30 ~~(5)~~

31 (6) Whether the use of other available options, including
32 contracted telephone based interpretation services, in addition to



1 bilingual persons in public contact positions, is serving the
2 language needs of the people served by the agency.

3 ~~(6)~~

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

8 ~~(7)~~

9 (8) A list of materials identified in paragraph (5) that have been
10 translated and languages into which they have been translated.

11 ~~(8)~~

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

14 ~~(9)~~

15 (10) Any other relevant information requested by the State
16 Personnel Board.

17 (c) (1) Each agency shall calculate the percentage of
18 non-English-speaking people served by each local office by
19 rounding the percentage arrived at to the nearest whole percentage
20 point.

21 ~~The~~

22 (2) *The* survey results shall be reported on forms provided by
23 the State Personnel Board, and delivered to the board not later than
24 March 31 of every even-numbered year beginning with 1992.

25 (d) Beginning in 2003 and in every even-numbered year
26 thereafter, each state agency shall develop an implementation plan
27 that, at a minimum, addresses all of the following:

28 (1) The name, position, and contact information of the
29 employee designated by the agency to be responsible for
30 overseeing implementation of the plan.

31 (2) A description of the agency's procedures for identifying
32 written materials that need to be translated.

33 (3) A description of the agency's procedures for identifying
34 language needs at local offices and assigning qualified bilingual
35 staff.

36 (4) A description of how the agency recruits qualified bilingual
37 staff.

38 (5) A description of any training the agency provides to its staff
39 on the provision of services to non- or limited-English-speaking
40 individuals.



1 (6) A detailed description of how the agency plans to address
2 any deficiencies in meeting the requirements of this chapter,
3 including, but not limited to, the failure to translate written
4 materials or employ sufficient numbers of qualified bilingual
5 employees in public contact positions at local offices, the proposed
6 actions to be taken to address the deficiencies, and the proposed
7 dates by when the deficiencies can be remedied.

8 (7) A description of the agency's procedures for accepting and
9 resolving complaints of an alleged violation of this chapter.

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

13 (9) Any other relevant information requested by the State
14 Personnel Board.

15 (e) In developing its implementation plan in 2003, each state
16 agency may rely upon data gathered from its 2002 survey.

17 (f) Each state agency shall submit its implementation plan to
18 *the relevant fiscal and policy committees of the Legislature*
19 *including, but not limited to, the appropriate budget subcommittee*
20 *of each house, and to the State Personnel Board no later than*
21 *October 1 of each applicable year. The board shall review each*
22 *plan, and, if it determines that the plan fails to address the*
23 *identified deficiencies, the board shall order the agency to*
24 *supplement or make changes to its plan. A state agency that has*
25 *been determined to be deficient shall report to the State Personnel*
26 *Board every six months on its progress in addressing the identified*
27 *deficiencies.*

28 (g) If the board determines that a state agency has not made
29 reasonable progress toward complying with this chapter, the board
30 may issue orders that it deems appropriate to effectuate the
31 purposes of this chapter.

32 SEC. 3. Section 7299.6 of the Government Code is amended
33 to read:

34 7299.6. The State Personnel Board shall review the results of
35 the surveys and implementation plans required to be made by
36 Section 7299.4, compile this data, and provide a report to the
37 Legislature every two years. The report shall identify significant
38 problems or deficiencies, *including any deficiencies in bilingual*
39 *staffing necessary to implement Section 7292, and propose*
40 *solutions where warranted.*



1 SEC. 4. Section 7299.7 is added to the Government Code, to
2 read:

3 7299.7. If a state agency, pursuant to Section 7299.4, or the
4 State Personnel Board in reviewing a state agency's
5 implementation plan required by Section 7299.4, identifies
6 deficiencies in bilingual staffing at any local office of a state
7 agency, that state agency shall be required to fill any future public
8 contact position job openings at that local office with qualified
9 bilingual staff until the state agency is in compliance with Section
10 7292. For purposes of this chapter, "job openings" include newly
11 created public contact positions or public contact positions made
12 vacant by retirement or attrition.

13 SEC. 5. Section 7299.75 is added to the Government Code, to
14 read:

15 7299.75. The State Personnel Board may exempt state
16 agencies from the requirements of Section 7299.7 if the State
17 Personnel Board determines that any of the following conditions
18 apply:

19 (a) An emergency has arisen that requires the agency to fill
20 immediately a relevant public contact position either newly
21 created or made vacant by retirement or attrition.

22 (b) The state agency has performed targeted recruitment for
23 bilingual staff, including advertising in relevant ethnic media and
24 outreach at community job fairs and events or through
25 community-based organizations, and no qualified bilingual
26 candidates can be identified within a reasonable period of time.

27 (c) The job opening is for a public contact position that would
28 not address the state agency's deficiencies in complying with
29 Section 7292.

30 In order to receive the exemption, the state agency shall petition
31 the State Personnel Board for an exemption for each newly created
32 or vacant public contact position and receive approval in writing.

