

CAL. GOV'T CODE § 7290 et seq.

The Dymally-Alatorre Bilingual Services Act.

§ 7290. Citation

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

§7291. Legislative declarations and intent

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.

The Legislature further finds and declares that substantial numbers of persons who live, work **and** pay taxes in this state are unable, either because they do not speak or write English. at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

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.

§7292. Required employment of qualified bilingual persons by state agencies Every state agency, as defined in Section 11000, 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, shall 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.

§7293. Required employment of qualified bilingual persons by local agencies

Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking- people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. 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.

§7294. Implementation of chapter by retirement or normal attrition

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

§7295. Translation of materials explaining services available

Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

§7295.2. Translation of state agency materials explaining services

Every state agency which serves a substantial number of non-English speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

§7295.4. Distribution of written materials in non-English language by state agency

Whenever t state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, 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.

- (a) The written materials, whether forms. applications, questionnaires, letters or notices. solicit or require the furnishing of information from an individual or provide that individual with information.
- (b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.
- (c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

§7296. "Bilingual person"

As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

§7296.2. "Substantial number of non-English-speaking people"

As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

§7296.4. "A sufficient number of qualified bilingual persons in public contact positions"

As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

§7297. "Public contact position"

As used in this chapter, a "public contact position" is 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.

§7298. Exclusion of school districts and officers

The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

§7299. Implementation consistent with public funds, federal law, and civil service

The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

§7299.1. Telephone based interpretation services

State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

§7299.2. Responsibilities of State Personnel Board

The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

§7299.4. Survey by state agencies

Each state agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (a) The number of public contact positions in each local office.
- (b) The number of bilingual employees in public contact positions, and the languages they speak, other than English.
- (c) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

- (d) The number of anticipated vacancies in public contact positions.
- (e) Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- (f) Any other relevant information requested by the State Personnel Board. Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

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

§7299.5. Exemptions

The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

- (a) The agency does not furnish information or render services to the public.
- (b) 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 the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

§7299.6. Delivery of survey results and plan of compliance to State Personnel Board

The results of the survey required to be made by Section 7299.4 shall be compiled by the State Personnel Board and provided in a report to the Legislature every two years.

§7299.8. Establishment of bilingual positions where less than specified percent of people are non-English speaking; Filling public contact positions

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 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. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.