



**A Report to the  
Austin City Council**

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**Office of the  
City Auditor**

**City Auditor**  
Corrie Stokes  
CIA, CGAP, CFE

**Deputy City Auditor**  
Jason Hadavi  
CPA, CFE

# Language Access Audit

June 2016



## REPORT SUMMARY

While the City of Austin has made efforts to provide language assistance services to Austin residents, the City may not be meeting the needs of all residents. Specifically, the City has policies and resources addressing language assistance services, but current practices are not fully aligned with efforts identified in effective programs and peer cities. Also, City departments spend approximately \$2 million per year on bilingual pay programs, but inconsistent oversight limits their ability to know whether employees are providing effective language assistance services or the programs are an effective use of City resources.

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## GOVERNMENT AUDITING STANDARDS COMPLIANCE

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We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## AUDIT TEAM

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Patrick A. Johnson, CGAP, CICA, Assistant City Auditor  
Caroline Kirschner, Auditor-in-Charge  
Neha Sharma, CIA, CPA, CISA, Auditor  
Andrew Keegan, CIA, CGAP, Auditor  
Mary Dory, Auditor  
Adam Materne, Audit Investigator Intern

**Office of the City Auditor**  
**phone:** (512)974-2805  
**email:** oca\_auditor@austintexas.gov  
**website:** <http://www.austintexas.gov/auditor>

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June 2016



## Report Highlights

### Why We Did This Audit

This audit was conducted as part of the Office of the City Auditor's (OCA) FY 2016 Audit Plan, based on Council concerns about whether the City's language assistance services were meeting the needs of the community.

### What We Recommend

The City should create a stakeholder team to design a language access program consistent with the five components identified in the language access framework and designate a person or persons with authority to implement and update the program to meet the needs of the Austin community.



For more information on this or any of our reports, email [oca\\_auditor@austintexas.gov](mailto:oca_auditor@austintexas.gov)

# LANGUAGE ACCESS AUDIT

## BACKGROUND

- According to the 2010-2014 American Community Survey, 14% of Austin residents reported speaking English less than "very well" with the majority indicating they speak Spanish followed by Chinese, Vietnamese, and other Asian languages. In addition, there are approximately 50,000 Austin residents who are deaf or hard-of-hearing and may use American Sign Language.
- In 2014, Austin established a Translation & Interpretation Policy to "promote fair and equitable access to City services" for residents. In addition, the City has bilingual pay programs that offer a stipend to employees who regularly communicate with residents whose primary language is not English.
- Multiple City departments receive federal assistance and, therefore, must take reasonable steps to ensure meaningful access to their programs and activities by individuals with limited English proficiency.

## OBJECTIVE AND SCOPE

The objective of the audit was to determine how the City manages language assistance services, whether the services align with community needs, and how these services compare with similar entities.

The audit scope included policies, plans, and procedures currently in place to meet the needs of residents whose primary language is not English.

## WHAT WE FOUND

While the City of Austin has made efforts to provide language assistance services to Austin residents, the City may not be meeting the needs of all residents. Specifically, the City has policies and resources addressing language assistance services, but current practices are not fully aligned with efforts identified in effective programs and peer cities (see additional detail on the following page).

We also noted that most City departments that receive federal assistance have not completed a required language access assessment.

Also, City departments spend approximately \$2 million per year on bilingual pay programs, but inconsistent oversight limits their ability to know whether employees are providing effective language assistance services or the programs are an effective use of City resources.

According to a U.S. Health and Human Services standard, an effective language access program follows a framework of five components as shown below.

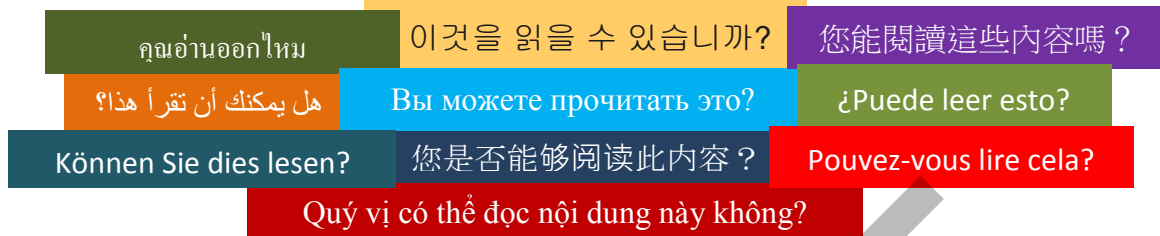
While the City has made efforts to provide language assistance services to Austin residents, not all City practices align with each component of the language access framework. Also, we found that the majority of surveyed peer cities reported a general alignment with these components.

Components of an Effective Language Access Program	City of Austin Language Access Practices Are Not Fully Aligned
<b>1 IDENTIFY POPULATIONS</b> regularly using data to identify populations & their needs	<b>85%</b> of City departments reported not collecting data on the residents they serve, which indicates the City may not be able to identify all populations or accurately understand their language assistance needs.
<b>2 ASSESS SERVICES &amp; NEEDS</b> determine language needs as compared to available services & resources	Without relevant information about resident needs, the City is unable to effectively assess current services and outreach efforts to identify gaps and areas for improvement.
<b>3 PLAN A PROGRAM</b> create a plan and policies; identify funding & coordinate community resources & professional expertise	<b>75%</b> of City departments reported not having a language assistance coordinator or a plan to ensure effective services are provided. Also, several planned actions have yet to be implemented in practice.
<b>4 DELIVER SERVICES</b> provide measurable and consistent services that are accessible, timely, and qualified	Due to incomplete efforts and inconsistent oversight, the City is unable to ensure that the language assistance services it provides are fully accessible and effectively delivered.
<b>5 MONITOR &amp; ADAPT SERVICES</b> review data to evaluate effectiveness; anticipate needs & allocate resources	The City does not have robust monitoring structures in place and cannot ensure that the language assistance services provided are effectively meeting community needs.

**SOURCE:** OCA analysis of framework components from the U.S. Health and Human Services standard implemented by the Massachusetts Department of Public Health as well as City of Austin language access practices, June 2016

## BACKGROUND

### Can You Read This?



**SOURCE:** Translations provided by Language Line Solutions, June 2016

If not, know that there are nearly 115,000 Austin residents who may not be able to read this report. According to the 2010-2014 American Community Survey, 14% of Austin residents reported that they speak English less than “very well.” A majority of these residents indicated that they spoke Spanish followed by Chinese, Vietnamese, and other Asian languages. Results by Council district are shown on the following page. In addition, multiple sources have estimated that approximately 50,000 Austin residents are deaf or hard-of-hearing and may use American Sign Language.

In 2014, Austin established a Translation & Interpretation Policy to “promote fair and equitable access to City services” for residents. City departments translate documents into other languages and offer in-person and over-the-telephone interpretation for various programs and services. This work is done through contractors, as well as City employees.



**Translation** is the conversion of written materials from one language to another



**Interpretation** is the oral or visual restating of spoken or signed words in another language

The City also has bilingual pay programs<sup>1</sup> designed to offer a stipend to employees who demonstrate proficiency in another language and whose job duties require regular communication with residents whose primary language is not English.

Multiple City departments must also comply with Presidential Executive Order 13166, issued in 2000, because they are recipients of federal assistance. These departments must take reasonable steps to ensure meaningful access to their programs and activities by individuals with limited English proficiency. While a written plan is not required, we noted that the U.S. Department of Justice recommends that recipients produce written documentation of their assessment. Recipients are required to conduct an assessment of the following four factors<sup>2</sup> to find a balance that ensures meaningful access to critical services while not imposing an undue burden:

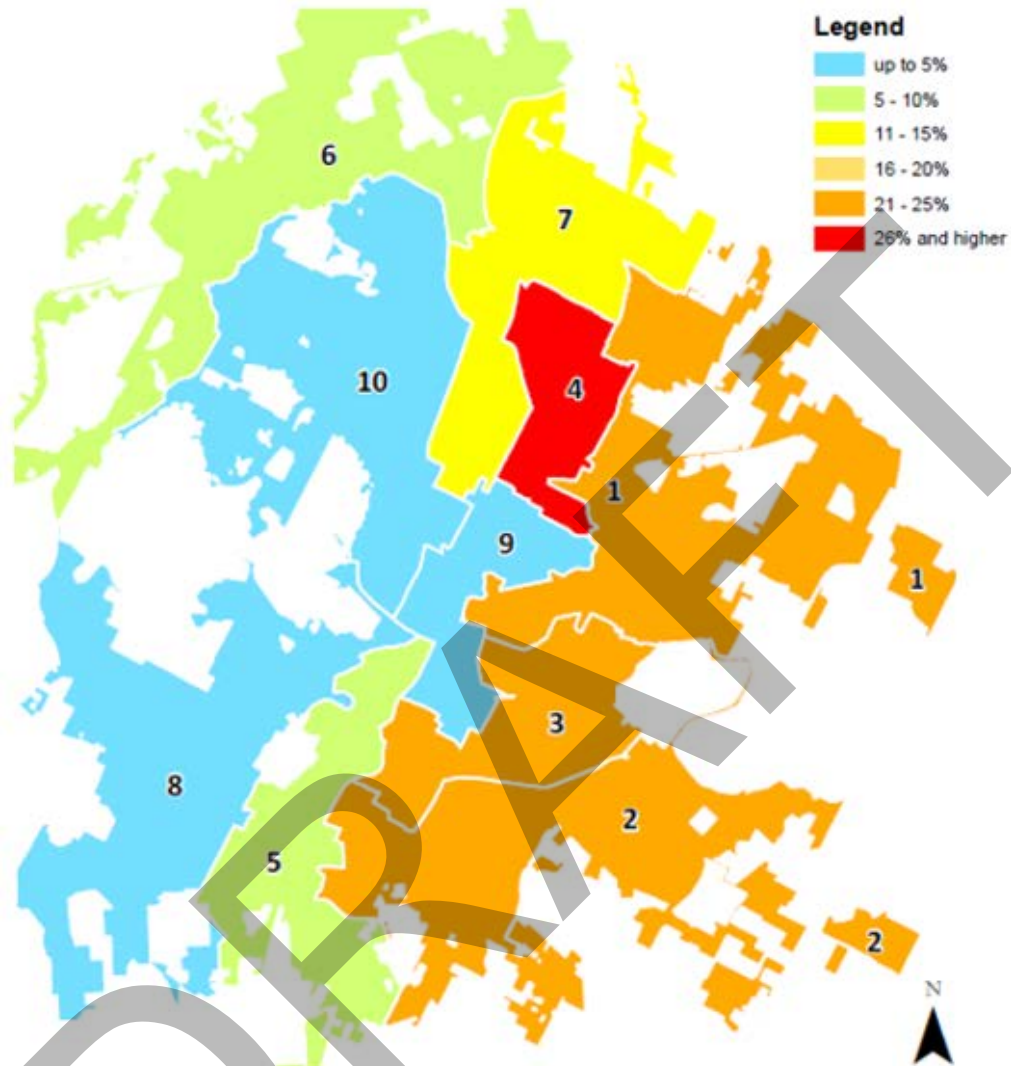
- the number or proportion of limited English-proficient (LEP) individuals eligible to be served or likely to be encountered by the program,
- the frequency with which LEP individuals come in contact with the program,
- the nature and importance of the program to people's lives, and
- the resources available to the recipient and costs.

<sup>1</sup> There is a Citywide bilingual pay program for civil service employees, and each public safety agency (Austin Police, Austin Fire, and Emergency Medical Services departments) has a separate program for their sworn employees.

<sup>2</sup> According to federal guidance issued on LEP.gov.



**Percentage of Individuals Who Speak English Less than "Very Well"**  
**According to 2010-2014 American Community Survey 5-Year Estimates**



City Council District	Top Languages Spoken by Individuals Who Speak English Less Than "Very Well"		
	First	Second	Third
<b>Citywide</b>	Spanish	Chinese	Vietnamese
<b>1</b>	Spanish	Vietnamese	African languages
<b>2</b>	Spanish	Thai	Chinese
<b>3</b>	Spanish	Korean	Chinese
<b>4</b>	Spanish	Vietnamese	Arabic
<b>5</b>	Spanish	Chinese	Vietnamese
<b>6</b>	Spanish	Chinese	Korean
<b>7</b>	Spanish	Vietnamese	Chinese
<b>8</b>	Spanish	Chinese	Vietnamese
<b>9</b>	Spanish	Chinese	Other Asian languages
<b>10</b>	Spanish	Chinese	Korean

**SOURCE:** OCA analysis of 2010-2014 American Community Survey data identified by Council district as prepared by the City Demographer, May 2016

## OBJECTIVE, SCOPE, AND METHODOLOGY

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The Language Access Audit was conducted as part of the Office of the City Auditor's (OCA) Fiscal Year (FY) 2016 Audit Plan, as presented to the City Council Audit and Finance Committee.

### Objective

The objective of the audit was to determine how the City manages language assistance services, whether the services align with community needs, and how these services compare with similar entities.

### Scope

The audit scope included policies, plans, and procedures currently in place to meet the needs of residents whose primary language is not English.

### Methodology

To accomplish our audit objectives, we performed the following steps:

- interviewed City and community stakeholders about language assistance services and practices;
- reviewed documentation related to City language assistance services;
- researched criteria related to language assistance services for those whose primary language is not English;
- reviewed American Community Survey population data for limited English speakers;
- surveyed 41 City departments about their language assistance practices;
- selected a judgmental sample of City department survey responses and reviewed documentation provided by departments to validate responses;
- selected and surveyed peer cities about their language assistance services and practices;<sup>3</sup>
- selected a mixed sample of civil service and sworn employees receiving a bilingual stipend and reviewed documentation and survey results related to bilingual procedures;
- evaluated contracts for language assistance services;
- evaluated federal Limited English Proficiency compliance;
- evaluated internal controls related to language assistance services; and
- evaluated the risk of fraud, waste, and abuse with regard to language assistance contracts and the bilingual stipend process.

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<sup>3</sup> Cities include San Francisco, CA; Washington, DC; Miami, FL; Philadelphia, PA; and two Texas cities – Houston, and San Antonio. We also received limited information about language assistance services from Phoenix, AZ; Las Vegas, NV; Dallas, TX; El Paso, TX; and Fort Worth, TX.

## WHAT WE FOUND

While the City of Austin has made efforts to provide language assistance services to Austin residents, the City may not be meeting the needs of all residents. Specifically, the City has policies and resources addressing language assistance services, but current practices are not fully aligned with efforts identified in effective programs and peer cities. Also, City departments spend approximately \$2 million per year on bilingual pay programs, but inconsistent oversight limits their ability to know whether employees are providing effective language assistance services or the programs are an effective use of City resources.

**Finding 1: The City may not be meeting the language assistance needs of all residents. While the City has policies and resources addressing language assistance services, current practices are not fully aligned with efforts identified in effective programs.**

According to a U.S. Health and Human Services standard, an effective language access program follows a framework of five components, as shown in the graphic below.<sup>4</sup> The City has a Translation & Interpretation Policy and administers four bilingual pay programs as the primary means to provide language assistance services. While the City has made efforts to provide language assistance services to Austin residents, not all City practices align with each component of the language access framework or with surveyed peer cities. Also, we found indications that residents needing language assistance may not be aware that those services are available or may not know how to access them. Other residents may avoid requesting services out of fear or for cultural reasons.

In this audit, we surveyed 41 City departments/offices about their language assistance practices and the services they provide for non-English speaking individuals. We also surveyed peer cities to learn about common language assistance practices and determine how Austin compares. We selected cities with a similar percentage of non-English speakers as Austin, as well as cities with large non-English speaking and deaf populations that might have more robust language assistance practices in place.



**SOURCE:** OCA analysis of framework components from the U.S. Health and Human Services standard implemented by the Massachusetts Department of Public Health, January 2016

<sup>4</sup> As documented in the Massachusetts Department of Public Health's *Making CLAS* (Culturally and Linguistically Appropriate Services) *Happen* guide.



## **1 IDENTIFY POPULATIONS** regularly using data to identify populations & their needs

**85%** of City departments reported not collecting data on the residents they serve, which indicates the City may not be able to identify all populations or accurately understand their language assistance needs.

According to the framework, an effective language access program begins by collecting and understanding current and reliable data about service populations and the languages spoken. In order to ensure a complete understanding, this data should come from a variety of sources, including census and agency data, as well as information from community groups. Also, reviewing demographic trend data can identify language needs that may have to be addressed in the future.

To identify languages spoken by Austin residents, the City used data based on the 2012 American Community Survey and has a policy to address the top five languages. However, we did not see a procedure to use other sources of data or to reassess this information as future American Community Survey data is collected. Additionally, there was no documented process to identify demographic trends as the City's population and language assistance needs change. Also, information about non-English speakers gathered by the City was not at a detailed level.

Also, according to our survey of City departments, 85% responded that they do not collect data on the number of non-English speaking individuals served. Also, over 75% of City departments reported that they identify a need for service based on resident-initiated requests.

According to our peer city survey on language access practices, four of six cities reported using census data and another city reported using census and other data. Two of the six cities reported updating their data at least every two years. Another city reported a recent requirement to update their data every two years, but they have not yet begun this practice.

## **2 ASSESS SERVICES & NEEDS** determine language needs as compared to available services & resources

**Without relevant information about resident needs, the City is unable to effectively assess current services and outreach efforts to identify gaps and areas for improvement.**

The next framework component for an effective language access program involves conducting a language services assessment. Language needs are identified and compared to available services and resources to identify gaps and areas for improvement. A key step in this component is to determine how to make populations in need aware of services offered.

The City's Translation & Interpretation Policy does not require a regular needs assessment. However, Communications and Public Information Office (CPIO) management indicated that one staff member is working on community engagement in this area. In the past year, those efforts were focused on developing an understanding of the Asian American community's needs. Also, management asserted previous efforts during the Hispanic/Latino Quality of Life Initiative.

In order to address gaps in language assistance services, the City's Bilingual Pay Program procedure for civil service employees requires departments to identify the need for a bilingual position through a job position description, the job posting, or an employee performance evaluation. However, we

tested a sample of civil service bilingual positions, and approximately half did not have a documented need as required (see Finding 2 for more details). Further, the City has not listed bilingual proficiency as a required qualification for any City job positions.

As noted earlier, 85% of departments reported they do not collect data on the number of non-English speaking individuals served, and about half indicated they either do not assess the needs of these individuals or were not sure if this was done. Also, about half of the departments reported conducting outreach to inform the public about the available services, but most indicated they relied on residents to contact frontline staff.

According to peer cities surveyed, four of six reported having requirements to collect departmental data on non-English speakers served. Also, five of six peer cities reported informing residents about services available, and two reported using community organizations to conduct outreach activities.

**Most City departments that receive federal assistance have not completed a required language access assessment.**

We identified 17 departments that receive federal assistance. Some have made efforts to assess language access needs for limited English-proficient individuals, but most have not assessed all four factors noted in the federal guidance. Also, we saw only one documented language access plan.

Many of the departments were unaware that language access plans were recommended, and we did not find City guidance available as a resource. Upon learning of the requirements, many affected departments have taken steps to conduct and document an assessment. Although the lack of a documented assessment does not mean that a department is out of compliance with federal regulations, such a documented plan provides a framework for the department to provide access to language assistance services and helps ensure compliance with federal requirements.

**3**

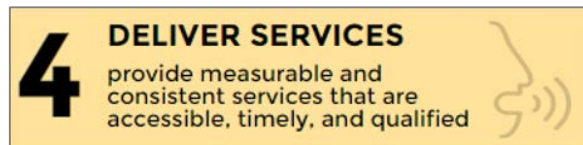
**PLAN A PROGRAM**  
create a plan and policies;  
identify funding & coordinate  
community resources &  
professional expertise

**75%** of City departments reported not having a language assistance coordinator or a plan to ensure effective services are provided. Also, several planned actions have yet to be implemented in practice.

Crafting a plan to meet the particular needs of an area and its population is the next framework component. Common elements of effective programs include planning based on consistent data and processes, using a variety of funding sources and community resources, and ensuring service providers are competent, trained professionals. The framework suggests designating a coordinator to oversee the implementation of the program to deliver services.

The City's planning documents include the Translation & Interpretation Policy and the Bilingual Pay Program procedure. These two documents were created at different times and address separate methods to provide language assistance services. While they do address several of the framework elements, we found that not all the requirements of these documents are being followed or implemented as noted below. Also, while the Translation & Interpretation Policy does not establish any timelines, in the 20 months since it was adopted, CPIO has completed one of five deliverables, three are in process, and one has yet to be started.

In addition, there is not a designated language assistance coordinator to oversee Citywide efforts, which could include tracking and coordinating contracts and payments related to interpretation and translation services. Over 75% of City departments reported that they do not have an internal language assistance coordinator or a plan to ensure that they provide effective language assistance services. In the peer cities, four of six reported having a centralized language access coordinator and requiring certain departments to have a language access plan.



**Due to incomplete efforts and inconsistent oversight, the City is unable to ensure that the language assistance services it provides are fully accessible and effectively delivered.**

Related to service delivery, the framework identified three characteristics of an effective program. First, interpretation and translation services must be accessible and include vital documents and materials. The framework suggests using “I Speak” cards to ensure residents have access to the appropriate services. Second, services must be offered in a timely manner. The framework suggests that timeliness can, in certain circumstances, be a matter of life and death and suggests having interpreters on hand or accessible through contracts or a telephone language line. Third, qualified staff should provide services to ensure accuracy and effectiveness. The framework suggests that consistently training interpreters and bilingual staff helps achieve effective outcomes.

**Accessible.** The City’s Translation & Interpretation Policy identifies the need to establish and maintain a “Document Bank” of translated documents, but notes that these documents would only be accessible to City departments as a resource. Additionally, CPIO has created only Spanish translations for department names and certain commonly-used terms.

Also, according to the policy, CPIO is responsible for working with departments to seek partnerships for sharing translation and interpretation services. CPIO staff reported working with APD on several occasions, but did not cite any other departmental partnership efforts. In addition, the policy calls for CPIO to provide a limited number of assistive-listening devices for live interpretation to be available for departments. While CPIO provides these devices, departments and the public have to know that they are available to request.

Additionally, we noted that some stakeholders cited barriers to accessing City programs and services. As noted earlier, City departments reported that they generally rely on residents to request services. Also, only two City departments reported using “I Speak” cards. The majority of peer cities reported more proactive outreach efforts, and two of six reported using “I Speak” cards.

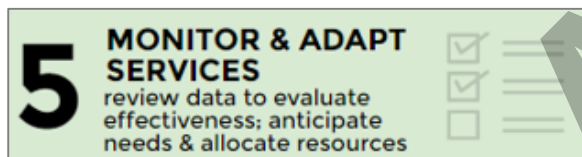


**SOURCE:** City of Houston “I Speak” card example, June 2016

**Timely.** Surveyed City departments responded that they offer language assistance services through internal bilingual staff, contracted staff, a telephone language line, and volunteers, among other methods. We noted that City policy requires advance notice for certain services or events.

Also, we noted a public safety concern related to deaf individuals in an emergency event. The current option to contact and communicate with the 911 call center is to use a TTY phone.<sup>5</sup> Stakeholders from the deaf community noted that this technology is outdated. However, City staff noted a plan to implement a text-to-911 option for emergency services by the end of 2016.

**Qualified.** According to the City's Translation & Interpretation Policy, CPIO is responsible for conducting a prequalification process every two years for translation services and providing a list of these vendors for language services. The policy notes the process "will be based on professional skill and relevant cultural competency." CPIO reported having conversations with the Purchasing Office related to this process, but the City does not have a list of prequalified vendors available to provide services. Also, the Bilingual Pay Program procedure requires that City staff pass a test demonstrating an acceptable level of proficiency for the identified need. Based on a sample of bilingual positions, we found that not all the requirements in this procedure are being met. In addition, City survey results indicated that departments do not consistently provide oversight of the level and quality of bilingual services provided by their employees (see Finding 2 for more details).



**The City does not have robust monitoring structures in place and cannot ensure that the language assistance services provided are effectively meeting community needs.**

The final component of an effective language access program involves monitoring the program. This entails using data to regularly evaluate the components to identify areas where services need to be adapted or where additional improvements are needed.

The City's Translation & Interpretation Policy includes an accountability section that allows for a periodic review and adjustment of the policy based on changed conditions and requires CPIO to solicit stakeholder feedback related to the effectiveness of the policy on an annual basis. However, CPIO staff noted that this process has not begun. Also, approximately 75% of City departments reported they do not have a process to collect feedback on the effectiveness of the language services they provide.

While an annual feedback process may identify certain issues, we noted that the policy does not establish a complaint process to collect unsolicited feedback. Also, 25% of City departments reported having some form of a complaint or feedback process in place, but some community stakeholders involved in services for non-English speaking residents asserted that they were not aware of these processes.

Also, according to the City's Bilingual Pay Program procedure, departments are required to monitor bilingual service delivery through random reviews or the employee's annual performance evaluation. However, we did not see evidence that monitoring occurred for approximately half of the sampled bilingual positions we tested. For sworn employees receiving a bilingual stipend, we

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<sup>5</sup> A TTY, or "teletypewriter," is a landline telephone that sends and receives typed messages.

did not find evidence of monitoring, except through the Emergency Medical Services department's practice of retesting employees' bilingual skills periodically.

Four of six peer cities reported that they have performance measures and a complaint process specific to language assistance services, and two noted that they conduct "mystery shopping" to evaluate, in an unbiased manner, how language services are provided.

**Finding 2: City departments spend approximately \$2 million per year on bilingual pay programs, but inconsistent oversight limits their ability to know whether employees are providing effective language assistance services or the programs are an effective use of City resources.**

The City administers four bilingual pay programs to provide language assistance services to residents. Thirty City departments spend approximately \$2 million each year on bilingual stipends for over 1,000 employees, the vast majority of whom speak Spanish.<sup>6</sup> We identified departments that interact with the public on a regular basis and analyzed the allocation of employees who receive a bilingual stipend, as shown to the right. Immediately below that is a measure of bilingual coverage in those departments, which is the percentage of employees who receive a bilingual stipend as compared to the total number of employees in that department.

The City's Bilingual Pay Program procedure explains that employees are responsible to provide interpretation skills for their department as well as other departments, as requested. Additionally, the procedure notes that departments are responsible for:

- identifying their bilingual needs,
- providing the stipend only for positions with an operational need for bilingual skills, and
- monitoring each employee's bilingual performance and retesting for proficiency, if necessary.

We tested a sample of 25 employees receiving a bilingual stipend. About half of those employees indicated that the department identified their position as needing bilingual skills. The other half noted that they approached management to initiate the bilingual pay process. Also, a majority of the tested employees reported that their language skills were not monitored by department management or included as part of their performance review.

According to our survey of City departments who had at least one employee participating in a bilingual pay program, 85% reported

**Percent of the Approximately 1,000 City Employees Who Receive a Bilingual Stipend**

Austin Police (sworn)	29%
Austin Fire (sworn)	17%
Health and Human Services	11%
Library	6%
EMS (all)	6%
Austin Police (non-sworn)	5%
Municipal Court	4%
Austin Energy	4%
Austin Code	2%
Parks & Recreation	2%
Convention Center	1%
Animal Services	1%
Small & Minority Bus. Res.	<1%
Neighborhood Housing	<1%
Austin Fire (non-sworn)	<1%

**Percent of Departmental Employees Who Receive a Bilingual Stipend**

Health and Human Services	26%
Municipal Court	26%
Austin Police (sworn)	16%
Austin Fire (sworn)	16%
Austin Code	15%
Library	14%
Small & Minority Bus. Res.	10%
EMS (all)	10%
Austin Police (non-sworn)	7%
Animal Services	5%
Convention Center	3%
Austin Energy	3%
Parks & Recreation	3%
Neighborhood Housing	2%
Austin Fire (non-sworn)	1%

**SOURCE:** OCA analysis of City of Austin bilingual pay data, May 2016

<sup>6</sup> Of the four pay programs, stipends are paid for Spanish only by Emergency Medical Services and Spanish, Asian languages, and American Sign Language by the Austin Fire Department and the civil service program. The Austin Police Department program allows these languages as well as others, including French, German, and Russian.



that they do not track how often employees use their bilingual skills. Of the 25 employees we tested, most reported using their bilingual skills daily, but 3 Fire employees reported using their bilingual skills rarely or never.

While all four bilingual pay program policies require employees to pass a proficiency test before receiving the stipend, six departments were unable to provide documentation showing the results of employee proficiency tests. Also, only one department, Emergency Medical Services, requires employees to periodically retest proficiency to ensure they maintain their bilingual skills. We noted that about 50% of Austin Police Department employees receiving bilingual pay were tested for proficiency more than 10 years ago. Proficiency test dates were not available for the other bilingual pay programs. Also, over half of the City departments surveyed reported that they do not provide training for staff that work with non-English speaking individuals.

According to peer city practices, bilingual pay programs are common as most cities reported having at least one such program. However, program structures vary widely across the cities and we were not able to gather enough detailed information to conduct a meaningful comparison.

## RECOMMENDATIONS

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1. In order to address the first three components of the language access framework, the City Manager or designee should establish a stakeholder team including, but not limited to, representatives from the City Manager's Office, the Law Department, HRD management, the public safety departments, and members of the public, to design a language access program that:
  - addresses and aligns with the components identified in the language access framework;
  - meets the needs of the Austin community requiring language assistance services;
  - ensures an efficient and effective allocation of resources; and
  - complies with the requirements of Executive Order 13166 and other regulations, as applicable.

MANAGEMENT RESPONSE: **Concur.** Refer to Appendix A for management response and action plan.

2. In order to address components four and five of the language access framework, the City Manager or designee should designate a person or persons with authority to:
  - coordinate the timely implementation of the City's language access program consistent with the designed plan identified by the stakeholder team;
  - monitor the program for compliance with applicable policies and regulations; and
  - periodically update the program based on changing conditions, public input, and performance measurement and analysis.

MANAGEMENT RESPONSE: **Concur.** Refer to Appendix A for management response and action plan.



**MANAGEMENT RESPONSE**

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DRAFT

MANAGEMENT RESPONSE – Communications and Public Information Office



City of Austin

Communications and Public Information Office

301 W. Second St., Austin, TX 78701

MEMORANDUM

**TO:** Corrie Stokes, City Auditor  
**FROM:** Doug Matthews, Chief Communications Director  
**CC:** Ray Baray, Chief of Staff  
**DATE:** June 20, 2016  
**SUBJECT:** Response to Audit Findings – Language Access Audit

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On behalf of the Communications and Public Information Office (CPIO), I am grateful for the opportunity to work with the City Auditor in identifying solutions to determine the status of the City's language access practices, and identifying areas for needed growth and enhancements.

The 2016-2017 Language Access Audit had two findings. In general, the department concurs with both findings and the Auditor's recommendations. Provided below is a response by individual finding and recommendation (findings and recommendations are paraphrased in each response).

***Finding 1:** In order to address the first three components of the language access framework, the City Manager or designee should establish a stakeholder team including, but not limited to, representatives from the City Manager's Office, the Law Department, HRD management, the public safety departments, and members of the public, to design a language access program that:*

- addresses and aligns with the components identified in the language access framework;*
- meets the needs of the Austin community requiring language assistance services;*
- ensures an efficient and effective allocation of resources; and*
- complies with the requirements of Executive Order 13166 and other regulations, as applicable.*

*The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*



## City of Austin

### Communications and Public Information Office

301 W. Second St., Austin, TX 78701

**Management Response:** As Director, I concur with this finding. Staff is already using previously gathered research, and is evaluating best practices from other major city programs as benchmarks. Staff will redouble efforts to meet core guidelines of the Translation and Interpretation Policy this summer. Management intends to include the new Equity Office as a critical player in the long-term strategies regarding language access and may defer formal convening of a dedicated group until that leadership is in place.

Additionally, Items 1 & 2 are underway and will be completed by the end of August 2016. Item 3, which is tied to the primary recommendation, will not formally begin until the Equity Officer is in place. In the meantime, advance work will begin this summer with a target completion date in the spring of 2017.

***Finding 2:** In order to address components four and five of the language access framework, the City Manager or designee should designate a person or persons with authority to:*

- coordinate the timely implementation of the City's language access program consistent with the designed plan identified by the stakeholder team;*
- monitor the program for compliance with applicable policies and regulations; and periodically update the program based on changing conditions, public input, and performance measurement and analysis.*

**Management Response:** As Director, I concur with this finding. The coordination and monitoring function will require dedicated focus and resources, which may ultimately become part of the new Equity Office. If that proves challenging, either due to timing or other factors, we will identify an interim resource to provide basic support. We are planning an implementation target date of spring 2017, concurrent with the completion of any review and recommendations gathered as a result of the work of the stakeholder team.

*The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

## ACTION PLAN

### Language Access Audit

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
<p>1. In order to address the first three components of the language access framework, the City Manager or designee should establish a stakeholder team including, but not limited to, representatives from the City Manager's Office, the Law Department, HRD management, the public safety departments, and members of the public, to design a language access program that:</p> <ul style="list-style-type: none"> <li>addresses and aligns with the components identified in the language access framework;</li> <li>meets the needs of the Austin community requiring language assistance services;</li> <li>ensures an efficient and effective allocation of resources; and</li> <li>complies with the requirements of Executive Order 13166 and other regulations, as applicable.</li> </ul>	<p>Concur.</p> <p>1) Staff is already using previously gathered research, and is evaluating other major city programs as benchmarks.</p> <p>2) Staff will redouble efforts to meet core guidelines of the Translation and Interpretation Policy this summer.</p> <p>3) Management intends to include the new Equity Office as a critical player in the long-term strategies regarding language access and may defer formal convening of a dedicated group until that leadership is in place.</p>	<p>Items 1 &amp; 2 are underway. Item 3, which is tied to the primary recommendation, will not formally begin until the Equity Officer is in place.</p>	<p>Items 1 &amp; 2 will be completed by the end of August, 2016. Item 3 is contingent on the hiring of the Equity Officer, but advance work will begin this summer with a target completion date in the spring of 2017.</p>

## APPENDIX A

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
<p>2. In order to address components four and five of the language access framework, the City Manager or designee should designate a person or persons with authority to:</p> <ul style="list-style-type: none"><li>▪ coordinate the timely implementation of the City's language access program consistent with the designed plan identified by the stakeholder team;</li><li>▪ monitor the program for compliance with applicable policies and regulations; and</li><li>▪ periodically update the program based on changing conditions, public input, and performance measurement and analysis.</li></ul>	<p>Concur.</p> <p>The coordination and monitoring function will require dedicated focus and resources, which may ultimately become part of the Equity Office. If that proves challenging, either due to timing or other factors, we will identify an interim resource to provide basic support.</p>	<p>Not started.</p>	<p>Spring 2017, concurrent with the completion of any review and recommendations gathered as a result of the work of the stakeholder team.</p>

MANAGEMENT RESPONSE – Human Resources Department



MEMORANDUM

**TO:** Corrie Stokes, City Auditor

**FROM:** Joya Hayes, Interim Director of Human Resources and Civil Service Director

**DATE:** June 20, 2016

**SUBJECT:** Management Response: Language Access Audit

The purpose of this memorandum is to provide a management response to the Audit Report on Language Access. Human Resources Department (HRD) staff has reviewed the results, and would like to offer the following comments in response to the findings. As it relates to HRD and the Bilingual Pay Program procedure, the following statements were captured in the audit report.

1. **The City's Bilingual Pay Program procedure requires that City staff pass a test demonstrating an acceptable level of proficiency for the identified need.**
  - *Survey results indicated that departments do not consistently provide oversight of the level and quality of bilingual services provided by their employees*

HRD Comments

The Bilingual Pay Program is managed by the HRD – Compensation Division. HRD Compensation manages the requests from departments for testing, coordinates language proficiency testing, and confirms when employees have passed the proficiency test. Only after passing the proficiency test will the employee see an earn code on their timesheet for the bilingual stipend. Only employees who have taken a proficiency test by the approved vendor will receive a bilingual stipend.

It is the Departments responsibility to monitor and provide oversight of bilingual employees receiving a stipend, continually assessing needs. Retesting can be arranged by departments for any reason, including receipt of a complaint, and are processed by HRD Compensation as requested. A set timeline for retests can be costly and does not lend toward an efficient customer service model

2. **Departments are required to monitor bilingual service delivery through random reviews or the employees performance evaluation**
  - *Audit did not see evidence that monitoring is occurring for approximately half of the sampled bilingual positions tested.*

HRD Comments

The Bilingual Pay Program procedure indicates that the departments should monitor the performance of employees receiving the bilingual stipend through the SSPR process.



HRD can send out a communication to departments to ensure this is occurring for those employees that receive a stipend.

**3. City Departments spend approximately \$2 million per year on bilingual pay programs**

- *Inconsistent oversight limits the ability to know whether employees are providing effective language assistance services of the programs are an effective use of City resources.*

**HRD Comments**

HRD feels the Bilingual Pay Program is necessary to provide stellar customer service to Austin residents. For example, during the 2013 and 2015 October Floods, HRD was responsible for finding City Employees that were bilingual to help in the affected areas. HRD staff quickly pulled information on who received a stipend and put a call out to those individuals and their managers to allow for a reassignment to provide translation services. HRD maintains a database with a list of employees receiving the stipend and the specific language the employee speaks.

**4. The City's Bilingual Pay Program procedure explains departments subject to the procedure are responsible for: Identifying their bilingual needs; Providing a stipend only for positions with an operational need for bilingual skills; Monitoring each employee's bilingual performance and retesting for proficiency, if necessary**

- *Of department's surveyed, 85% reported they do not track how often employees use their bilingual skills*
- *Of 25 employees tested, most use their bilingual skills daily, but 3 reported using their skills rarely or never*
- *Six departments were unable to provide documentation showing the results of employee proficiency tests*

**HRD Comments**

As mentioned above, only employees who have taken a proficiency test by the approved vendor will receive a bilingual stipend. HRD will discuss this at an upcoming HR Manager Forum and ask that all departments keep accurate record of their employees that receive a stipend and their testing date.

As the audit recommendations indicate, HRD welcomes participation in a language access review with potential changes to the Bilingual Pay Program to align with the components of the US Health and Human Services standard.

I appreciate the work of the Auditor's Office on this audit, as well as the opportunity to provide a response to this audit.

If you need additional information, please do not hesitate to contact me.