

CHAPTER 11
BILINGUAL SERVICES PROGRAM
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CHAPTER 11

BILINGUAL SERVICES PROGRAM

1. INTRODUCTION.

- a. The purpose of the Bilingual Services Program (BSP) is to ensure CHP provides access to services and/or information to non-English speaking persons and hearing or speech impaired members of the public.
- b. The BSP consists of the language survey, an implementation plan, foreign language interpreter services, translation of written documents, audio translation, and a language access complaint process.
- c. The BSP Coordinator is in the Equal Opportunity & Access Section (EOAS) and may be contacted by departmental employees for questions or assistance in accessing available bilingual resources at (916) 843-3190.

2. POLICY.

- a. It is the policy of CHP to ensure all persons are provided equal access to available services, programs, and activities; and are treated by CHP employees with professionalism, sensitivity, dignity, and respect while assisting the needs of the public it serves.
- b. The purpose of the BSP is to ensure CHP remains in compliance with federal and state laws. In an effort to provide greater assistance to CHP employees and the public, the EOAS will serve as the main resource for the BSP.
- c. Bilingual commands are identified by the results of a biennial statewide language survey administered by the California Department of Human Resources (CalHR), and formally designated with the approval of the Office of the Commissioner. Bilingual commands are identified when a command reaches a public contact rate of 4.5 percent or more during the language survey period and maintains at least 2.5 percent thereafter. Survey results are rounded to the nearest whole percentage point in determining whether a specific language meets the 5 percent public contact rate threshold.

3. LEGAL AUTHORITY.

- a. Dymally-Alatorre Bilingual Services Act. Sections 7290-7299.8 of the California Government Code was enacted with the intent to provide effective

communication between all levels of government in the state, and the people who might otherwise be precluded from utilizing public services because of language barriers. The Dymally-Alatorre Bilingual Services Act (Act) provides:

- (1) Every state agency directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with 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.
- (2) 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 these services.
- (3) State agencies may also contract with telephonic or other interpreter services as needed to ensure delivery of information and services in the language of the non-English speaking person.
- (4) 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.
- (5) Every state agency shall distribute written materials in the appropriate non-English language through its statewide and local offices or facilities to non-English speaking persons. As an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance, through use of a qualified bilingual person, at its statewide and local offices or facilities in completing English forms or questionnaires and in understanding English forms, letters, or notices.
- (6) Every state agency shall conduct a biennial statewide language survey and report its findings to the CalHR by October 1st of every even-numbered year.
- (7) Each state agency shall develop an implementation plan that provides a detailed description of how the agency plans to address any deficiencies in meeting the requirements of the Act, 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. In developing its implementation plan, each state agency may rely upon data gathered from its most recent language survey. The implementation plan is due to CalHR by October 1st of every odd-numbered year.

(8) Every state agency shall translate and make accessible on the homepage of its Internet website, forms and processes for submitting complaints of alleged language access violations. The forms and processes shall be translated in all languages spoken by a substantial number of non-English speaking people served by the state agency. Translated copies of the forms shall be printed and made available in the statewide office and any local office or facility of the state agency.

b. Title VI, Section 601 of the Civil Rights Act of 1964. Title 42, Section 2000d of the United States Code provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

4. DEFINITION OF TERMS.

a. Actual Position Deficiency. When a command meets the language threshold of 4.5 percent or more public contacts during a language survey in any non-English language and does not have the number of needed certified bilingual employees and/or existing bilingual resources to meet the demand of the public requesting information and/or services in that language.

b. Audio Translation. The written translation of audio or video recording(s) from one language to another.

c. Certified Bilingual. A person who is proficient in both the English language and another language as demonstrated by successful completion of a certified examination approved by CalHR.

d. Contracted Telephone-Based Interpretation Services. A contract between a private vendor and a state agency to provide interpretation services, via the telephone, for a rate according to the contractual agreement.

e. Interpret. The transfer of the meaning of dialog (verbal or signed) or written material from one language to another.

f. 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.

g. Non-English or Limited-English Proficient. An individual who either does not read or speak English at all, or who is unable to effectively communicate because their primary language is other than English, this includes sign languages.

h. Public Contact Position. A position determined by the Department to be one which emphasizes the ability to meet, contact, and interact with the public to provide requested information and services in the performance of the agency's functions.

i. Translation. The process of transferring words or text from one language to another.

5. ROLES AND RESPONSIBILITIES.

a. Commander. It is the responsibility of the commander to ensure the Department's BSP procedures are implemented by employees in public contact positions to provide effective service to non-English speaking or Limited-English Proficient (LEP) persons. In meeting its responsibilities, commanders shall ensure:

(1) Employees in public contact positions are provided instruction on when and how to access resources found on the EOAS's Bilingual Services page of the CHP Intranet site, which include but are not limited to, links to the following:

- (a) Procedures for requesting non-emergency interpreting services.
- (b) Language Identification Guide.
- (c) CHP 240F, Language Access, poster.
- (d) Manual Communication Guides for American Sign Language.
- (e) Translated Forms and Materials.

(2) Effective telephone and face-to-face communication between staff and non-English speaking or LEP persons.

(3) A qualified interpreter is contacted upon notification that one is needed to prevent any significant delay in service to the non-English speaking or LEP person.

(4) The EOAS is contacted if a list of certified bilingual employees is needed.

(5) The Language Identification Guide and Language Access Process posters are visibly displayed, advising non-English speaking or LEP persons of their right to access services in their language and how to request language assistance.

(6) Communication with EOAS regarding any programmatic needs the command may encounter in serving the non-English speaking or LEP public.

b. Employees. All employees are responsible for treating the public in a professional manner with sensitivity, dignity, and respect. Employees in public contact positions have the additional responsibility of ensuring they provide equal service to every person. To accomplish this, employees in public contact positions should identify the language needs of their public contacts and utilize available bilingual resources to assist the public when needed as follows:

(1) Identify non-English speaking or LEP persons as early as possible during the initial contact.

(2) Use the contracted telephone interpreter service for the Department if necessary. This service can be found on the EOAS Intranet site with the following path: CHP Intranet site > Organization > Deputy Commissioner > Equal Opportunity & Access Section.

(3) Provide available translated materials, guides, and/or aids that serve the non-English speaking or LEP person. Where translated materials are not available, request a qualified interpreter to explain information to the non-English speaking or LEP person.

(4) If all efforts to assist the non-English speaking or LEP person are unsuccessful, contact the BSP Coordinator in EOAS to help facilitate a resolution at the command level.

c. Equal Opportunity & Access Section. The EOAS has been designated by the Department as the administrator of the BSP and within EOAS is the BSP Coordinator. The BSP Coordinator is responsible for:

(1) Ensuring the Department's public contact offices, that serve a substantial number of non-English speaking members of the public, are aware and have access to translated printed materials, aids, or other translation assistance.

(2) Procuring and maintaining vendor contracts for providing written and oral translation services.

(3) Conducting the required biennial language survey, reviewing data for accuracy and completeness, analyzing the results, and providing the findings to CalHR on a timely basis.

- (4) Providing instruction to Divisions on how to conduct a meaningful language survey.
- (5) Assisting public contact employees with the appropriate procedures for providing services to non-English speaking or LEP persons, as well as processing language access complaints at the informal level.
- (6) Maintaining a list of non-English language translated documents and providing this information on the CHP Intranet site.
- (7) Monitoring and tracking program development of translated documents.

6. PUBLIC CONTACTS. All contacts with members of the public who demonstrate a language barrier should be offered interpreting assistance. If bilingual employees are not available onsite, the office may contact their local communications center or EOAS for assistance in locating a bilingual employee. If a bilingual employee is not available, the office may use the current contracted interpreting service. This service can be found on the EOAS's Intranet site.

7. TRANSLATED MATERIALS. Translated written materials must be provided whenever they are available. A list of translated material is available on the CHP Intranet site under Forms ➤ Translated Forms & Materials. For translation of documents or audio/video recordings, e-mail Translation_Services@chp.ca.gov.

- a. To ensure compliance with the Act, the EOAS will track the needs for translated materials and provide a list of currently translated written materials, and the languages into which they have been translated, on the EOAS's Intranet site.
- b. In accordance with the Act, the Department may elect to furnish translation aids, translation guides, or provide assistance in completing and understanding materials in English when:
 - (1) The written materials solicit or require the furnishing of information from an individual or provide that individual with information.
 - (2) The information solicited, required, furnished affects, or may affect the individual's rights, duties, or privileges with regard to the Department's services, programs, or activities.
- c. Commands should contact EOAS if the command identifies the need for translated materials into a language spoken by less than 5 percent of the public served.

8. LANGUAGE SURVEY. In compliance with the Act, the Department conducts a biennial language survey to determine and calculate the percentage of non-English speaking or LEP individuals served by the Department, as well as the number of certified bilingual public contact employees and/or other bilingual resources that are needed, in order to provide an equal level of services to the non-English speaking or LEP community. The intent is to assist the Department in its ability to enhance external services to the public and determine the language barriers encountered between departmental employees and the public. Completed surveys are due to the CalHR no later than October 1st of every even-numbered year and are submitted by the BSP Coordinator in EOAS. The CalHR will then review the survey results, compile data, and provide a report to the Legislature. The report identifies significant problems or deficiencies and proposes solutions where warranted.

a. To ensure a meaningful language survey is conducted, the BSP Coordinator shall monitor the survey while in progress and identify any issues or concerns. The BSP coordinator is responsible for ensuring the language survey is in compliance with the requirements in GC 7299.4(b). Prior to the language survey, the BSP Coordinator shall disseminate the Language Survey Reporting Assistants Guide to ensure all assigned reporting assistants receive instruction prior to assuming their role during the language survey period. A copy of the guide is available on the EOAS Intranet site. Employees assigned a role in the language survey are encouraged to communicate with their Division Reporting Assistants or the BSP Coordinator throughout the language survey period.

9. LANGUAGE ACCESS COMPLAINT PROCESS. In accordance with the Act, the language access complaint process exists to quickly resolve complaints from non-English speaking individuals regarding the availability of interpreters or translated material. It is the goal of the Department to resolve language access complaints promptly and provide requested services at the Command level whenever possible. The language access complaint form is available to members of the public on the Department's internet website.

a. Command Level. If a requested service is unavailable, the public contact employee shall provide the public member with a CHP 240E, Language Access Complaint, and CHP 240F. The complainant may file their complaint using any of the following methods:

(1) Complete the form at the time of the alleged incident and submit directly to the command. The command shall e-mail the completed form to EOAS@chp.ca.gov.

(2) Submit the form to the EOAS through e-mail at EOAS@chp.ca.gov or by mail at P.O. Box 942898, Sacramento, CA, 94298, no later than 180 calendar days following the date of the alleged act of discrimination.

(3) Contact the EOAS by telephone at (916) 843-3190.

(4) Contact CalHR by e-mail at Bilingual@calhr.ca.gov, by mail at 1515 S Street, North Building, Suite 500, Sacramento, CA, 95811, or by telephone at (916) 909-3847.

b. Equal Opportunity & Access Section. Upon receipt of the Language Access Complaint form from a command or a member of the public, the EOAS BSP Coordinator will:

(1) Enter the complaint into the language access complaint tracking system.

(2) Send an acknowledgement within ten business days of receipt of the complaint.

(3) Complete the investigation necessary to determine validity of the alleged violation within 45 calendar days of receipt. If appropriate, the EOAS will contact the complainant to discuss the matter and attempt to reach an informal resolution, which will then be documented, and the case will be closed.

(4) Forward to the Equal Employment Opportunity (EEO) Officer in Departmental Affairs Division for approval within 60 calendar days of receipt, including a written determination as to the validity of the complaint and description of the resolution, if appropriate, when an informal resolution of the complaint is not reached.

(5) Communicate the determination and resolution to the complainant within 75 calendar days of receipt of the complaint, unless the EEO Officer authorizes additional time for further consideration.

(6) Any request for reconsideration of the Department's response to the complainant shall be at the discretion of the Commissioner or designee.

(7) Report complaint to CalHR on the next Language Survey.

10. RETENTION SCHEDULE.

a. Language Survey Forms and Related Materials. In accordance with the State of California retention schedule and approved STD 73, Records Retention

Schedule, language survey forms and related materials shall be retained for a total of **three years** by the Department.

b. Language Access Complaint. In accordance with the State of California retention schedule and approved STD 73, the CHP 240E and related materials shall be retained by the EOAS for a total of **five years** from the date the complaint was closed.

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