

OFFERED BY COUNCILORS MICHELLE WU AND TIM MCCARTHY



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE ESTABLISHING LANGUAGE AND COMMUNICATIONS ACCESS FOR CITY SERVICES

WHEREAS: The Federal Civil Rights Act of 1964 forbids discrimination or prejudice based on color, religion, gender, or nationality; AND

WHEREAS: In the United States, cities are recognizing that in order to serve their residents, they must accommodate or cater to different forms of communication and languages; AND

WHEREAS: According to the United States Census, more than 25 percent of Boston residents are foreign-born, and more than 35 percent of residents speak a language other than English at home; AND

WHEREAS: An estimated 10.6 percent of Boston residents have visual or hearing impairments; AND

WHEREAS: City services should not be withheld intentionally or unintentionally from those who are unable to communicate through the dominant language or common forms of communication; AND

WHEREAS: It is the City's responsibility to ensure that all city services are accessible and equally attainable to all people in the City of Boston regardless of linguistic barriers, or physical or visual impairment; AND

WHEREAS: The Boston City Council, in partnership with Mayor Walsh and several departments led by the Mayor's Office of New Bostonians, created a Communications Access Working Group in November 2014 that evaluated departmental needs and best practices for communications access over the course of a year; *NOW THEREFORE BE IT ORDERED,*

That the following shall take effect immediately upon passage:

1. The City of Boston through its departments shall implement a communications access policy for residents who may have a disability, who are English language learners or Limited English speakers.

2. Each department head in the City of Boston shall create a specific plan for his or her department. This will include all the components listed below.
3. Each department shall present its customized communications access plan to an oversight committee composed of representatives from the Mayor's Office of New Bostonians, Mayor's Commission for Persons with Disabilities, Office of Fair Housing & Equity, the Department of Neighborhood Development, and other public-facing City departments. This oversight committee will serve as the centralized enforcement entity for the Communications Access ordinance.
4. The Office of New Bostonians will manage any contracts for translating written documents and providing telephonic interpretation requested by departments. There will be a Communications Access Coordinator, who will handle equipment, translation and interpretation requests and serve as a liaison between city departments and the Office of New Bostonians in matters of language access and the Commission on Persons with Disabilities in matters of assistive technology and disability access.
5. Each department will undergo an annual review to evaluate expenses, performance and frequency of service delivery to Limited English Speaking residents and residents with disabilities. In addition to this review, there will be a survey for all residents of Boston on the City of Boston website in the top four languages where constituents can rate and review their interactions with city departments. This review will be conducted by the Office of New Bostonians and will be released to the public along with the results of the online survey.

Below is an outline of criteria that should be met by each department:

Definitions:

1) Interpretation:

- A. Interpretation: the oral communication of information from one language to another.
- B. Formal/Professional Interpretation: the oral communication of information from one language into another mediated by an experienced, formally trained interpreter.
- C. Informal Interpretation: the oral communication of information from one language into another mediated by a City-trained interpreter.
- D. Consecutive Interpretation: a mode of interpretation in which the speaker pauses every few sentences to allow the interpreter to orally communicate what has just been said into another language.

- E. Simultaneous Interpretation: the oral communication of information from one language into another when the interpreter speaks at the same time as the speaker. Simultaneous interpretation equipment is often used in simultaneous interpretation. The interpreter speaks into a transmitter to transmit the information to the audience who are equipped with receivers and earphones to hear the interpreter. Simultaneous interpretation allows information to be interpreted into one or more languages without lengthening the time needed to communicate in the original language.
- F. When to provide formal and informal interpretation.
- i. Formal/professional interpretation should be provided when the stakes/consequences of providing correct and accurate information are high (for example, there is a risk of bodily harm, illness, loss of money, stress, etc.), and when the potential for a lawsuit is present.
 - ii. Informal interpretation can be provided to help constituents when there are no high stakes or consequences connected to providing the interpreted information.
 - iii. Consecutive interpretation: usually used when interpretation is provided over the phone and in most other interactions when only a few people are involved and time is not an issue.
 - iv. Simultaneous Interpretation: usually used during a larger meeting when the agenda has to flow within a given time frame or when interpretation has to be done in several languages.

2) **Translation:**

- A. Translation: to render communication into another language in written form.
- B. Formal Translation: the rendering of a written communication into another language by an experienced, formally trained translator.
- C. Informal Translation: the rendering of a written communication into another language by a person who is not formally trained and/or who is not trained in the profession of interpretation and/or translation.
- D. Back Translation: the translation of a translated text into its original language. It is used to test the quality of the translation.
- E. When to use formal, informal and back translation.
 - i. Formal Translation: should be used for all documents to be publicly distributed to avoid the risk of inaccurate translations.
 - ii. Informal Translation: Can be used for events for city employees where the stakes of inaccurate translation is not high.
 - iii. Back Translation: can be used to test the quality of a translated text.

3) **Five Most Commonly Spoken Languages:** interpretation and translation are most often provided to a community that represents 5% of the population or 10,000 people. In

Boston, the languages that meet these criteria include: Spanish, Haitian Kreyol, Chinese, and Vietnamese. The city's Cape Verdean population is nearly 7,000 people, making it the fifth largest language community in Boston.

4) **City Volunteer Interpreter Pool:** a pool consisting of City employees who fluently speak a language other than English, and who lend their skills to the City to provide informal interpretation, primarily through the phone, to non-English speaking constituents. Employees are able to provide interpretation during their normal working hours if they have obtained the approval of their supervisor. An employee's participation in this pool is entirely voluntary and will not affect the employee's compensation or status within the department he/she is employed in the City of Boston.

5) **Interpretation:**

A. Providing Interpretation. All departments shall strive to provide interpretation to constituents upon request. Informal interpretation may be provided through the City's Volunteer Interpreter Pool or city-trained bilingual staff.

B. Develop signage to inform residents of interpretation availability. All Departments that directly provide services to City of Boston residents and/or visitors shall post a sign that states: "Interpretation Services may be available. Please ask." Each Department shall display this sign in the City's 5 most commonly used languages, in addition to any other languages the Department deems necessary based on its assessment of language needs of the constituents serviced by that particular Department.

C. Interpretation at Community Meetings. City-sponsored community meetings should indicate a willingness to provide interpretation if necessary depending on the demographic make-up of the neighborhood.

D. Strengthen and Maintain City Volunteer Interpreter Pool. To assist all departments to better serve its diverse constituents, the City of Boston will continue to recruit, maintain and informally train the City Volunteer Interpreter Pool. City departments should be encouraged to support bilingual staff's participation in the City Interpreter Pool. Languages that are needed, but not available from the City Volunteer Interpreter Pool will be recruited from the communities.

E. Screening and training for all volunteer interpreters and bilingual staff. All volunteer interpreters and bilingual staff who provide interpretation shall be screened for language fluency and shall attend interpretation training(s) provided by the City prior to providing any informal interpretation as part of this pool

i. Screening: To ensure the accuracy of interpretation, all bilingual and multilingual volunteers who provide informal interpretation for their departments or who are parts of the City Volunteer Interpreter Pool must be

screened for fluency in the languages they will be interpreting. Volunteer Interpreters who graduate from high school or college/higher education in a particular language of instruction can be assumed to be fluent in that language. Heritage speakers who may be fluent in a particular language but whose formal education is not in that language will be tested for fluency.

ii. Training: Provide training for all bilingual workers and Volunteer Interpreter Pool members who provide informal interpretation for the City. Initial interpretation training will include the ethics of interpretation, techniques in interpretation and familiarity with the City of Boston Glossary of Terms. Subsequent trainings, 2-3 hours once or twice a year will be provided annually based on the needs of the Volunteer Interpreter Pool and other bilingual staff who provide informal interpretation for their departments.

F. Institute technology to improve interpreter accessibility and track interpreter usage and satisfactory interpretation. Each department should track usage and requests for translation, interpretation and assistive technology.

G. Recognition of the City's Volunteer Interpreters. Employees who constitute the City's Volunteer Interpreter Pool and/or any employee who volunteers his/her linguistic services, shall be recognized and thanked for donating their time to providing informal interpretation to City Departments on an annual basis.

Translation:

1. Identify crucial information. Every department/office shall determine which forms/papers/letters/documents contain crucial information must be translated and what languages to translate these documents into.
 - A. If translation of crucial information that every City resident must have is not possible, the Department shall make arrangements to insert a note in the form/paper/document that states: "This document contains important information. If you cannot understand this document due to a language barrier, please have it translated, or call 311 for assistance." Each department shall print this announcement in the City's 5 most commonly used languages, and any other languages the Department deems necessary based on its assessment as to the constituents serviced by that particular Department.
2. Documents for the public shall be professionally translated. Translations of all documents/forms/papers provided to the public must be done and reviewed by certified and trained professionals. An exception to this guideline may arise when a translation is done for internal purposes and as to a document that has no legal significance whatsoever.

3. Contract with professional translators. Familiarize city departments with the American Translation Association's (ATA) website and the list of screened/tested translators on the site. All of the City of Boston's departments that require translation shall use these vendors to ensure quality of translation. Bilingual workers who want to be considered as translators for city departments must contact the ATA to take the translator's test and be added to the tested list of ATA translators. Alternatively, a translator's certification by one of the local universities would also be acceptable.
4. Create a Glossary of City Terms. To ensure consistency of translation, the City of Boston shall develop a common glossary of terms that are used by different city departments. Once a common glossary of terms has been identified, it will be translated into the five languages and made accessible to all city departments. Every City department shall direct their translators to refer to the glossary while translating a document, to ensure consistency of translation across departments. Each city department may also develop a glossary of specialized terms that the particular department uses and make available this glossary to every translator that it uses to ensure consistent translation of all department materials.
5. Budget. As part of their annual budget, Departments shall submit a proposed budget for their translation needs.

Customer Service:

1. List of common phrases and greetings. All Departments that provide direct services to City of Boston constituents shall provide their front line employees with a document which contains helpful phrases, such as "Please wait. We are trying to locate an interpreter to assist you." – in the City's five most commonly spoken languages. This document will be created and provided by the Translation Interpretation and Customer Service Committee.
2. List to identify language spoken by resident. All Departments that provide direct services to City of Boston constituents shall provide their front line employees with a document which contains the phrase – "Please indicate which language you understand." – in the City's five most commonly spoken languages, in addition to any other language the Department may deem necessary based on the constituents it serves.

Record keeping:

1. Using the Speakeasy System, the length and type of call, as well as the accuracy and satisfactory provision of interpretation will be recorded and kept track of.
2. Translation. Using a centralized database, Departments shall keep a record of all materials translated, as well as, the languages they are translated into.

Training:

1. Training for department heads. All Department Heads will be trained on the Communication Access policy guidelines to ensure understanding of the challenges of translation and interpretation.
2. Training for managers and front-line staff. Provide training to all managers and front line staff to ensure understanding of the challenges of interpretation and translation, how to access and use existing resources, record keeping and cultural competence.
3. Training for Volunteer Interpreters. Provide yearly interpretation training to participants of the City of Boston's Volunteer Interpreter Pool and any staff who offers informal interpretation services at his/her Department.

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