



**IDENTIFYING BILINGUAL POSITION NEEDS  
AND CALCULATING DEFICIENCIES**

The Dymally-Alatorre Bilingual Services Act<sup>1</sup> (Act) was enacted to ensure 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 provision of information and services to the public, in the native language of non- or Limited-English-speaking people, is required by the Act. Identification of the level of public contact with the non-or limited-English speaking public is determined based on the agency/department's biennial language survey results. The Act requires that where there is a "substantial" amount of public contact in any language other than English, the agency/department must employ certified bilingual staff and should translate relevant documents. The Act defines "substantial" as comprising 5 percent or more of the people served by a local office (unit).

**Bilingual Staffing and Deficiencies**

When an agency/department reports it receives a substantial level of contacts (5 percent or more) in any local office, the Act requires that it employ a sufficient number of bilingual staff in public contact positions to ensure it provides the same level of service to the non- or limited-English people as is available to English-speaking persons seeking such services. When the agency/department's language survey data reflects that a unit meets the 5 percent threshold for any non-English language, a calculation is performed to determine equal level of services. The number of bilingual positions is calculated and then it is compared to the number of certified bilingual staff the agency/department reports it employs in that unit for the applicable language(s). When the number of bilingual staff is not sufficient, the number of additional bilingual staff needed to achieve equal level of services is identified as indicators of bilingual position deficiencies.

The following examples demonstrate how bilingual position deficiencies and recommended staffing needs are determined for individual units. The chart below is a Unit Summary Report for a fictitious agency/department and is for illustration purposes only.

UNIT SUMMARY REPORT

Language	Number of Contacts	% of Contacts	Certified Staffing	Needed	Indicator of Deficiency
Arabic	73	4.33	0.0	0.0	0.0
Armenian	9	.53	0.0	0.0	0.0
Cantonese	96	5.70	0.8	1.3	0.5
English	1,224	72.72	19.0		0.0
Farsi	3	0.17	0.0	0.0	0.0
Korean	36	2.13	0.0	0.0	0.0
Spanish	147	8.73	2.5	1.9	0.0
Tagalog	19	1.13	0.0	0.0	0.0
Vietnamese	76	4.51	0.0	1.0	1.0
<b>TOTALS</b>	<b>1,683</b>	<b>100.00</b>	<b>22.3</b>	<b>4.2</b>	<b>1.5</b>

PLEASE NOTE: Bilingual position deficiencies are computed by unit. The agency/department's unit summary reports should be used to identify where the agency/department met the 5 percent threshold and for which non-English languages.

<sup>1</sup> California Government Code Section 7290 – 7299.8

Example - A state department reports that one of its units received a total of 1,683 public contacts during the two-week survey period. Of these contacts, 459 were with individuals who are non- or limited-English proficient (LEP). The summary report shows that the Cantonese, Spanish and Vietnamese languages met the 5 percent threshold. The report shows the Vietnamese language represented 4.51% of the unit's total public contacts and the Arabic represented 4.33%. The Act requires the percentage of non- or limited-English-speaking contacts be rounded to the nearest whole percentage point. Therefore, this rounding would result in the nearest whole percentage being 5% for Vietnamese and 4% for Arabic.

The report for this unit indicates that it employs 22.3 public contact staff, of which 3.3 are fluent in non-English languages (Cantonese [0.8] and Spanish [2.5]). However, the required level of staffing would require this unit employ 4.2 certified bilingual staff (Cantonese [1.3], Spanish [1.9] and Vietnamese [1.0]). To determine the total number of bilingual staffing required, a calculation is performed to determine "equal level of services". This is computed by multiplying the number of public contact positions by the percentage of the language contacts (e.g. 5.70% of 22.3 public contact staff computes to 1.27 bilingual positions); therefore, the required staffing would be 1.3 positions filled with certified staff fluent in the Cantonese language.

To determine the number of bilingual position deficiencies for the Cantonese language, the required number of bilingual staff is subtracted from the number reported in the unit (e.g., 1.3 minus 0.8 equals 0.5 bilingual position deficiencies). For the Spanish language, the unit reported it employs more certified bilingual staff (2.5) than the number required (1.9) for Spanish; therefore, no deficiency is identified. In addition, the survey resulted in the identification of the need for 1.0 bilingual position for the Vietnamese language, which resulted in a deficiency for this language.

### **Analysis of Survey Indicators of Position Deficiency**

It is the responsibility of the agency/department to perform an analysis of the survey statistics to determine whether or not the indicators of position deficiency are, in fact, actual position deficiencies. This analysis – attached to an agency/department's Language Survey submission – should evaluate:

- Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified (certified) bilingual persons in public contact positions, is meeting the language needs of the people served by the agency/department.
- The number of additional qualified (certified) bilingual public contact staff, if any, needed at each local office to comply with the Act.

If the analysis reveals the actual position deficiency is different than the indicator, the analysis should explain why.