



San Francisco Department of Public Health

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City and County of San Francisco

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San Francisco Department of Public Health *Policy & Procedure Detail**

Policy & Procedure Title:	Language Diversity Policy (HUR 2)	
Category: Human Resources		
Effective Date: 8/23/02		Last Revision Date: July 29, 2011
DPH Unit of Origin: EEO Office		
Policy Owner: Jason Hashimoto	Phone: 554-2593	Email: jason.hashimoto@sfdph.org
Distribution: DPH-wide <input checked="" type="checkbox"/>	Other:	

*All sections in table required.

See full Language Diversity Policy - attached.

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~



POLICY ON LANGUAGE DIVERSITY

(Amended and Reissued: 08/23/2002)

PURPOSE STATEMENT

The City and County of San Francisco finds that the cultural and racial composition of the City and its workforce is among the most diverse in the nation. Therefore, it is desirable to reaffirm its policy, which fosters acceptance and prevents intergroup tensions as related to the use of languages other than English in the provision of public services and the employment of individuals whose primary language is not English.

The City and County of San Francisco reaffirms its equal employment opportunity policy that ensures the opportunity for employment of an ethnically and culturally diverse workforce wherein individuals shall enjoy equal application of the terms and conditions of employment, including the right to speak their primary language.

The City and County of San Francisco recognizes that a workforce that speaks languages other than English enhances the services provided to the City's culturally diverse public by providing efficient and accessible public services to its non-English speaking communities.

In addition, the Equal Access to City Services for Limited English Speakers Ordinance makes it the policy of the City and County of San Francisco to provide equal access to City services to all San Franciscans, including those with limited proficiency in English.

All employees of the City and County of San Francisco are advised that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, is a legally protected right.

LEGAL REQUIREMENTS

The policy of the City and County of San Francisco is in compliance with federal guidelines of the U.S. Equal Employment Opportunity Commission, which state that prohibiting employees from speaking their native language in the workplace may result in unlawful national origin discrimination under Title VII of the Civil Rights Act.

A rule which requires employees to speak only English at all times may violate Title VII as a burdensome term and condition of employment since the primary language of an employee is often an essential national origin characteristic. A department may only have a rule requiring that employees speak only English at certain times where an employer:

1. can show that the rule is justified by business necessity;
2. notifies their employees of the speak-only-English rule and of the general circumstances when speaking only English is required; and
3. notifies employees of the consequences of violating the rule.

There are few circumstances under which a policy will meet the “business necessity” test. Justifications such as “Supervisors can’t understand what employees are saying,” “English speaking employees suspect that non-English speaking employees are talking about them,” and “The policy will enhance public image” are not sufficient to meet the business necessity requirement. Departments must confer with the City Attorney prior to implementing an English-only rule.

DUAL RESPONSIBILITY

Supervisors and line employees have a shared responsibility for maintaining a work environment that is comfortable and productive for everyone. Where co-workers or clients express concerns about employees speaking in a language other than English, supervisors should work toward informally resolving these interpersonal difficulties in a constructive and sensitive manner.

In order to assure effective communication during emergencies and constructive discussion of assignments, work performance and work rules, supervisors and employees should expect that any direct communications be conducted in a commonly understood language.

POLICY IMPLEMENTATION

Each department’s appointing officer is responsible for implementation of this Policy on Language Diversity. The Human Resources Director is responsible for ensuring compliance of this policy.

Employees and applicants for employment who believe that they have been subjected to unlawful conduct in violation of this policy may file a complaint with the Department of Human Resources EEO Division under the provisions of Civil Service Commission Rules. Instructions on how to file a complaint are available from the DHR EEO Division located at 44 Gough Street, or by calling 415-557-4900. Complaints may also be filed with the California State Department of Fair Employment and Housing or the United States Equal Employment Opportunity Commission.

DISTRIBUTION OF POLICY

Appointing Officers and/or Department Heads are responsible for assuring that all employees are aware of this policy. In addition to distributing this policy to all employees, Departments are required to post it in a conspicuous manner on Departmental or employee bulletin boards. Further, this policy is to be included in the Department’s new employee orientation.