THE COMMUNIQUÉ

from
The Los Angeles County
Chicano Employees Association
May 2003

A Letter to County Chief Administrative Officer David E. Janssen

The LACCEA and LACHMA recently sent the following letter to the Chief Administrative Officer David E. Janssen supporting the exemptions of certified bilingual staff.

May 7, 2003

David E. Janssen, Chief Administrative Officer
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713
Los Angeles, CA 90012

Dear Mr. Janssen:

It is the position of the Los Angeles County Chicano Employees Association (LACCEA) and the Los Angeles County Hispanic Managers Association (LACHMA) that certified bi-lingual employees be exempted from demotions and layoffs. Without exemptions, potentially hundreds of certified Spanish-speaking employees could be demoted or laid off. Based on our discussions with several department heads and stories in the media, we have two concerns concerning potential imminent layoffs of Spanish speaking certified county employees. The first is that in the event of layoffs, certified bilingual workers' current heavy caseloads would increase for the reason that fewer certified bilingual workers would be employed to respond to an increasingly large non-English speaking population in Los Angeles County. The second concern is a corollary to the first: the county's level of services to the non-English speaking population would be adversely

(Continue on page 2)

Lorenzo Sandoval
President

Attention All LACCEA Members!

It's that time again! Time for our general membership meeting!

The event will be held on Thursday May 29th at 6:30p.m. at the Joslyn Center at 210 N. Chapel in Alhambra.

We will give a report on our current activities. Please R.S.V.P. if you will be attending. (626) 458-2314

Update on Budget and other LACCEA Activities

By Rudy Rico, Executive Director

Our Director of EEO has been working hard on trying to maintain the Schiff/Cardenas funding for the Probation Department and community programs that will benefit at-risk youth, youth currently under the jurisdiction of the Probation Department, and youth leaving the Probation Department and returning to the community. Los Angeles County currently receives 32.7% million for these programs. LACCEA, the Los Angeles Chapter of Mexican-American Correctional Association, and the LACHMA have been strongly advocating with our elected officials in Sacramento to keep this money intact. Over 50% of the at risk-youth and youth under the jurisdiction of the Probation Department are Latino. Without these resources, many youth could get involved or stay involved in the criminal justice system.

LACCEA and LACHMA had a very productive meeting with Supervisor Molina staff on the issue of bilingual exemptions. Supervisor Molina is working with LACCEA and LACHMA on this issue.

LACCEA is currently preparing detailed analysis of data for a number of county departments in preparation for meetings with their department heads. Some of these departments are 1) Probation, 2) Children's Services, 3) Public Works, 4) Health and, 5) Department of Social Services. LACCEA will be joined by the Hispanic Managers Association in many of there meetings with department heads.

LACCEA's current analysis shows that the Departments of 1) Children Services, 2) Public Works, 3) Health Services, 4) Sheriffs, 5) Probation, and many other departments have not fairly promoted Latinos to Supervisory, Administrative, and Management positions. With LACHMA support we will be strongly advocating to increase promotional appointments for Latinos in all these departments.

impacted.

Clearly, given the potential imbalance of the workloads there is an operational necessity for exempting certified bilingual workers from layoffs. Further, the absence of workers with bilingual skills could jeopardize the adequacy of services provided to a large segment of the county's population. Moreover, beneficiaries of the services could contend that their state statutory rights under the Dymally-Alatorre Bilingual Services Act, California Government code section 7290, et. esq. are being violated. Because of such adverse consequences, we ask you to support the exemption of all certified bilingual employees.

The County has acknowledged the need for bilingual personnel by creating and filling certified bilingual positions throughout its departments. The existence of positions requiring bilingual certification speaks to the need for them: if there were no need for bilingual employees, the County would not create positions requiring bilingual skills.

The issue of exempting bilingual county staff from layoffs was addressed in AFSCME v. County of Los Angeles, (1983) 146 Cal. App. 3d. 879. In 1981, the Probation Department enacted exemptions from lay-offs and demotions for certified bilingual staff for Deputy Probation Officer (DPO) positions in order to meet the limited-English-proficiency needs of the community. Since 1981, the need for bilingual services has dramatically increased. The rationale for exemptions in 1981 holds true today, except with greater force.

According to the 1980 Census, Latinos in Los Angeles were 27.6% of the total County population. In the year 2000, Latinos have grown to 44.6% of the population of Los Angeles County. The percentage of limited or non-English-speaking clientele has substantially grown because of this tremendous increase in the Latino population. There is a substantial increase from the Latino population figures in effect at the time of the 1981 bilingual staff exemptions, and this increase in population has had repercussions for numerous county departments where a significant percent of clientele is now non-English or limited English proficient. For example, in the Probation Department in 1992 in the field offices, 56% of the juveniles in supervision and 40% of the adult offenders in supervision were Latinos. Due to the high percentage of Latinos who are non-English and limited-English-proficient, these demographic changes have created a need for bilingual services that we believe currently have not been met by many county departments, including the Health Department and the Probation Department.

There is additional data that shows that since 1981, the need for bilingual services has dramatically increased. In the Los Angeles Unified School District, the current Latino student population is over 70%. Obviously, the need for bilingual services has increased tremendously with this growth in the Latino population. For example, in the 1981-1982 school year, there were 117,388 students enrolled in the Los Angeles Unified School District (LAUSD) who were limited-English proficient. By 1992-1993, the number of limited-English proficient students in LAUSD was 279,899. In 1992-1993, forty-four percent of the students attending LAUSD were limited-English proficient students. Spanish was the language spoken by 90% of the limited-English proficient students or 252,931 students. In 1995-1996 46% of the students attending LAUSD were limited-English proficient. Of that percentage, 277,505, or 92.2% of the students spoke Spanish. Approximately, 5% of the limited-English proficient students spoke various Asian languages. This data demonstrates that the rationale for exemptions is much stronger today than it was in 1981.

As noted in AFSCME, in seeking approval of the county director of personnel for the exemptions pursuant to civil service rule 19.05, the then Acting Chief Probation Officer Kenneth Fare wrote, "The Department has historically established a need to provide bilingual services to its Spanish-surnamed clients…Further, there is uncontradicted evidence that each certified bilingual specialist occupies a position with a demonstrated continuing need for his of her services, and that the need would not be met but for the exemptions." (Id. at 545)

In County Counsels' Points and Authorities in Support of Return by way of answer to petition for writ of mandate and request for injunctive relief dated September 10, 1981 in the case of AFSCME v. Los Angeles County No C379 717 the County Counsel submits the following: "On page 14 County Counsel states in section III"

"*Respondent May Be Required by Law to Maintain Bilingual Services"*

"While Respondent does not concede that it is compelled by law to maintain any particular level of bilingual services, it does recognize the existence of federal and state law, which at least arguably, requires the provision of some level of bilingual services. To ignore those requirements in favor of strict seniority would be foolhardy and expose Respondent unnecessarily to liability."

In the conclusion section of this legal brief County Counsel state:

"Respondent submits that the foregoing argument and the evidence in the record clearly establish the propriety of the exemptions from the order of layoff reductions based upon certified bilingual ability. The legitimacy of bilingual ability as a special skill under Respondent's Civil Service Rules sufficiently insulates it from challenge. Indeed, Petitioner's challenge to the legitimacy of bilingual ability as a special

(Continue on page 3)

skill would seam to be made in bad faith in light of the contrary position it has taken on numerous occasions in the past, and in the current M.O.U., even if Petitioner were not estopped from asserting the challenge."

"Moreover, it is questionable whether Petitioner is approximately representing its membership by bringing the instant action, since only 2 ½% of its total membership is affected by the exemptions, and the employees benefiting from the exemptions are themselves members of Petitioner. On the contrary, the uncertainty posed by the challenge affects all its members, whether directly or indirectly."

"Finally, Respondent submits that rather than violating the equal protection rights of anyone, the exemptions based on bilingual ability ensure their preservation. In the first place, they are not based on race. In the second place, the exemptions preserve the rights of Respondent's client population to equal access to services."

LACCEA's and LACHMA's position is that the county should exempt all employees who receive bilingual pay. If an individual receives bilingual pay, it is due to the requirements that he or she uses their skills on the job. Certified bilingual supervisors, in addition to line staff, should also be exempt because they play a critical role in providing services to the language minority population. Bilingual supervisors are responsible for responding to complaints from the public, often fill-in for absent entry level subordinate employees and also have direct contact with the public. Not exempting certified bilingual supervisors would discourage non-English speaking residents from complaining about staff members and could result in Spanish-speaking clientele not having their work processed in a timely basis. The result would be unequal delivery of services to Spanish-speaking clientele.

AFCSME v. County of Los Angeles (1983) 146 CAL. App.3rd 879 is illustrative of how the operational necessity for bilingual personnel can be met by the application of Civil Service Rule 19.05, which provides for the exception to the order of layoff or reduction. Rule 19.05 state that a department may retain an employee despite the order of the layoff where it would be in the "best interest of the service", which is defined based on such consideration as:

1. Special qualifications possessed by only the em ployee(s) retained, important to performance of the department's work;
2. Loss of the employee's skills on a particular assignment would adversely affect public welfare;
3. An employee's distinctly superior documented work performance. (Civ. Service Rule 19.05)

Exempting certified bilingual employees ensures that the County's capacity to serve non-English-speaking residents will not be impaired. Moreover, the County has taken the action of exempting certified bilingual personnel when faced with reducing its workforce in the past.

Given the need for bilingual services and the budget shortfall, the County must take action to maintain the level of bilingual services it currently offers. The County must consider how the proposed reductions in staff will affect equal delivery of services to its language minority residents. It is imperative that each department head assess the impact of any potential reductions in the services provided to the non- or limited-English-speaking clientele will be affected.

In complying with the law, the County must consider exempting bilingual employees in all departments and immunizing bilingual certified employees from demotion. If the County goes forward with a layoff plan that has the effect of reducing services available to non-English and limited-English-proficient clientele, the County would potentially be in violation of both state and federal law.

Additionally, Los Angeles County government cannot enact a policy that would violate Title VI of the Civil Rights Act on 1964 by having a discriminatory impact on the equal delivery of services to the Spanish and Asian language speaking communities.

We do not want Los Angeles County to support any requirements or policies that would serve to undermine the Los Angeles County Government's compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 d, and 45 C.F.R. Part 80.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964 states, "No person in the United States shall, on 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". Title VI of the Civil Rights Act of 1964 applies to all recipients of federal funds, without regard to the amount of federal funds that they have received.

It is LACCEA's and LACHMA's opinion that the failure of Los Angeles County to have sufficient certified bi-lingual staff to overcome language barriers to healthcare or other programs that provide social services to the community currently has a serious discriminatory effect on foreign born non-English and limited English speaking patients, depriving them of services that are as effective as those received by the rest of the community. We believe that this discriminatory effect violates Title VI. Layoffs of certified bi-lingual staff could substantially increase the discriminatory effect on service delivery to limited and non-English speaking clients.

(Continue on page 4)

In addition, we are concerned that without adequate protection from department heads who may not support equal delivery of service to limited and non-English speaking clients, that Los Angeles County could violate Title 45 Code of Federal Regulations Part 80.

Title 45 Code of Federal Regulations Part 80 issued pursuant to Title VI of the Civil Rights Act of 1964 prohibits all health care and social service providers that are recipients of Federal financial assistance from HHS from conducting their programs, activities, and services in a manner which has the effect of subjecting any person or class of persons to discrimination on the ground of race, color, or national origin.

Under federal law, providers are not only prohibited from singling out patients based on race or national origin, they cannot employ practices that have a discriminatory impact on individuals based upon their race or national origin. Federal regulations that implement Title VI provide that: [A recipient…may not…utilize criteria or methods of administration which have the effect of subjection individuals to discrimination because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objective of the program [with] respect [to] individuals of a particular race, color or national origin.] [45 C.F.R. 80.3 (b) (2)]

In the regulatory area there has been an opinion issued on compliance standards. This opinion is discussed in the next paragraph.

[All quotations taken from a letter signed by the Regional Manager, Office for Civil Rights, Region X, Seattle, Washington, stamped with the date June 11, 1993.]

"An example of a common cause of discrimination on the basis of national origin is the use of ineffective methods of communication between English speaking staff and persons who, because of their national origin, are limited English proficient. It is our policy that limited English proficient persons must be given an equal opportunity to participate in, apply for, receive, and otherwise benefit from whatever services are provided by the recipient of HHS funds."

"...Examples of effective communication are: 1) two persons speaking to each other in English; 2) a limited English proficient person informing a bilingual doctor about his heath condition [in a language other than English]; 3) a limited English proficient person, through a bilingual interpreter informing a social worker about his income and resources. All three examples provide for effective exchange of information."

"The burden of ensuring effective communication is on the recipient of federal funds from HHS. Each recipient must ensure that all of its services, programs, and activities are equally accessible to and useable by all eligible persons. The recipient must have bilingual employees or provide interpreters, translators, and other means to ensure the nondiscriminatory provision of services."

"In this context, the communication facilitating aids are not 'additional services' but, rather, an essential means for the recipient to ensure that its services, programs, and activities, are provided without additional charge to persons needing them in order to benefit equally from any service, program, or activity. "Using an interpreter whose skill level is unknown to the recipient or who is unqualified (often the case with family members or friends of the limited English proficient person), is usually acceptable only in situations where a High degree of accuracy, objectivity, or privacy is not essential…."

U.S. Department of Health and Human Services Office for Civil Rights

"Our Guidance to Staff on Title VI Nondiscrimination Provisions for Persons with Limited English Proficiency"

In addition in January 1998 the U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) has issued instruction to OCR staff with respect to obligations of HHS recipients of Federal financial assistance to ensure that persons with limited English proficiency (LEP) have equal opportunity for program participation under Title VI of the Civil Rights Act of 1964.

The document makes the following statement,

"*Millions of people in the United States are limited in their ability to speak, read, write, and understand English. Language barriers experienced by these persons can result in limiting their access to critical health and social services for which they are eligible and can limit their ability to receive notice or understand what services are available to them."*

"*It is OCR's position that where language barriers cause persons with limited English proficiency to be excluded from or to be denied equal access to health or social services, recipients may be required to take steps to Provide language assistance to such persons. Such assistance should provide for effective communication to facilitate participation in an equal access to services. This is consistent wit case law, court approved consent agreements and established legal principles developed under Title VI."*

"The guidance delineates factors that OCR staff should consider when working with HHS recipients to ensure that persons with LEP are not discriminatorily denied services on the basis of national origin. These factors are based on tested practices identified in compliance review and negotiated settlements with recipients to provide language services."

(Continue on page 5)

Guidance Memorandum

Title VI Prohibition Against National Origin

Discrimination - - Persons with Limited-English Proficiency

1. Background

"This memorandum is intended to offer guidance to staff of the Office for Civil Rights (OCR) with respect to its enforcement of the responsibilities of recipients of Federal financial assistance from HHS to persons with Limited-English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964, 2000d et seq. ("Title VI"). Such recipients include hospitals, managed care providers, clinics and other health care providers as well as social service agencies and other institutions or entities that receive assistance from HHS. This document will provide guidance to OCR investigators in assessing compliance, negotiating voluntary compliance, and providing technical assistance. It also stresses flexibility, particularly for small providers, in choosing methods to meet their responsibilities to LEP persons. Through OCR's investigative activities in this area, both recipients and LEP beneficiaries will be made more aware of their respective obligations with respect to the provision and receipt of services."

"The guidance is intended to clarify standards consistent with case law and well-established legal principles that have been developed under Title VI."

"Section 601 of Title VI states that "no person in the United "States 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." Regulations implementing Title VI which are published at 45 C.F.R. Part 80, specifically provide that a recipient may not discriminate and may not, directly or through contractual or other arrangements, use criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular, race, color or national origin."

"The statute and regulations prohibit recipients from adopting and implementing policies and procedures that exclude or have the effect of excluding or limiting the participation of beneficiaries in their programs, benefits, or activities on the basis of race, color, or national origin. Accordingly, a recipient must ensure that its policies do not have the effect of excluding from, or limiting the participation of, such persons in its programs and activities, based on national origin. Such a recipient should take reasonable steps to provide services and information in appropriate languages other than English in order to ensure that LEP persons are effectively informed and can effectively participate in and benefit from its programs."

"English is the predominant language of the United States and according to the 1990 Census is spoken by 95% of its residents. Of those residents who speak languages other than English at home, the 1990 Census reports that 57% of U.S. residents above the age of four speak English "well too very well". The United States is also, however, home to millions of national origin minority individuals who are limited in their ability to speak, read, write, and understand the English language. The language barriers experienced by these LEP persons can result in limiting their access to critical public health, hospital and other medical and social services to which they are legally entitled and can limit their ability to receive notice of or understand what services are available to them. Because of these language barriers, LEP persons are often excluded from programs or experience delays or denials of services from recipients of Federal assistance. Such exclusions, delays, or denials may constitute discrimination based on national origin, in violation of Title VI."

"LEP persons can and often do encounter barriers to health and social services at nearly every level within such programs. The primary reason for this difficulty is the language barrier that often confronts LEP persons who attempt to obtain health care and social services. Many health and social service programs provide information about their services in English only. Many LEP persons presenting at hospitals or medical clinics are faced with receptionists, nurses and doctors who speak English only, and often interviews to determine eligibility for medical care or social services are conducted by intake workers who speak English only."

"The language barrier faced by LEP persons in need of medical care and/or social services severely limits their ability to gain access to these services and to participate in these programs. In addition, the language barrier often results in the denial of medical care or social services, delays in the receipt of such care and services, or the provision of care and services based on inaccurate or incomplete information. Services denied, delayed, or provided under such circumstances could have serious consequences for an LEP patient as well as for a provider of medical care. Some states recognize the seriousness of the problem and require providers to offer language assistance to patients in certain medical care settings."

"This guidance sets out factors for OCR staff to consider in determining whether federally assisted providers of medical care or social services are taking steps to overcome language barriers to health care and social services encountered by LEP persons. The guidance emphasizes flexi-

(Continue on page 6)

bility to providers in choosing the language assistance options they will employ. Thus, small providers and/or providers who serve only one or two language groups may be able to meet their responsibilities by choosing fewer or different options than the options selected by larger providers or those providers serving many language groups."

"The U.S. Supreme Court, in Lau V. Nichols, 414 U.S. 563 (1974), recognized that recipients of Federal financial assistance have an affirmative responsibility, pursuant to Title VI, to provide LEP persons with meaningful opportunity to participate in public programs. In Lau v. Nichols, the Supreme Court ruled that a school system's failure to provide English language instruction to students of Chinese ancestry who do not speak English denied the students a meaningful opportunity to participate in a public educational program in violation of the Civil Rights Act of 1964."

"In addition, the same criteria should be used as is provided in the Dymally-Alatorre Bilingual Services Act: The Dymally-Alatorre Bilingual Services Act, Cal Gov't Code § 7290 Et seq., requires state and local agencies to provide bilingual services to limited English proficient residents and to those who speak no English. The Act recognizes that" the effective maintenance and development of a free and democratic society depends on the rights and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them. Cal Gov't Code § 7291 The Act also acknowledges that the provision of bilingual services "provide[s] for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers. Id. Under the Act, the State must hire sufficient bilingual personnel to ensure the same level of services to non-English speaking persons as is available to English-speaking person's seeking such services. Cal Gov't Code § 7296.4 The contractors for the Healthy Families Program will be held to the same standards that the State requires for its department to fully comply with the Dymally-Altorre Service Act Cal Gov't Code § 7290, § 7291, § and Cal Gov't Code § 7296.4."

"The 1973 Dymally-Alatorre Bilingual Services Act required that every State department directly involved in providing public services employ bilingual staff or interpreters when a substantial portion of their clientele is limited or non-English-speaking. In 1977, the legislature added to the Act a section which mandates that materials explaining services in English be translated into non-English languages spoken by a substantial number of the service population. Another important addition was the definition of "substantial" as 5% of the service population of any local office or facility of a State agency. This set the standard for determining the minimum number of bilingual contacts required to mandate the establishment of bilingual positions."

"It is not the intent of the Act, however, to prohibit State departments from establishing bilingual positions when less than 5% of the people serviced do not speak English. Where bilingual services particularly effect the quality of departmental services provided, some departments have set their own standards below 5% for determining when bilingual staffing is required. The California Highway Patrol has set a 2.5% language contact criteria to determine when bilingual staffing is need. The Employment Development Department also employs bilingual staff at higher ratios than the minimum mandated by the Bilingual Services Act. These departmental policies show a strong commitment to equitable service provision and sensitivity to the needs of the limited and non-English-speaking public."

"The Act defines "public contact position" and establishes State departments' authority to determine which positions have interaction with the public in the performance of the agency's functions. A general description of public contact services provided by State departments includes: casework services; administrative, informal and formal hearings; criminal and civil investigations: Institutional services to students, patients, residents and inmates: and the licensing and certification of Individuals or facilities as required by statue."

In addition to the laws or statutes already cited, there are other California laws that mandate the need for equal delivery of services to limited and non-English speaking patients.

SENATE BILL 1840, CHAPTER 672, HEALTH AND SAFETY CODE, SECTION 1259

§ 1259. General acute care hospitals; Interpreters and bilingual professional staff.

- "*The Legislature finds and declares that California is becoming a land of people whose languages and cultures gives the state a global quality. The Legislature further finds and declares the access to basic health care services is the right of every resident of the state, and that access to information regarding basic health care services is an essential element of that right."*

Therefore, it is the intent of the Legislature that where language of communication barriers exist between patients and the staff of any general acute care hospital, arrangements shall be made for interpreters or bilingual professional staff to ensure adequate and speedy communication between patients and staff.

- As used in this section:
    - *"'Interpreters' means a person fluent in Eng-*

(Continue on page 7)

lish and in the necessary second language, who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read language. Interpreters shall have the ability to translate the names of body parts and to describe competently symptoms and injuries in both languages. Interpreters may include members of the medical or professional staff."

- "Language or communication barriers" means:

    - *"With respect to spoken language, barriers which are experienced by Individuals who are limited-English-speaking or non-English-speaking individuals who speak the same primary language and who comprise at least 5 percent of the population of the geographical area served by the hospital or of the actual patient population of the hospital. In cases of dispute, the state department shall determine, based on objective data, whether the 5 percent population standard applies to a given hospital."*

In addition, Los Angeles County policy cannot violate the Hill-Burton Act. The following is a description of that act:

HILL – BURTON ACT

Under the Hill – Burton Act, facilities that have received federal funds undertake a "community service" assurance that last forever. 42 U.S.C 291 et Seq. § 124.603 Provision of services.

"(a) General. (1) In order to comply with its community service assurance, a facility shall make the services provided in the facility or portion thereof constructed, modernized, or converted with Federal assistance under title VI or XVI of the Act available to all persons residing (and, in the case of facilities assisted under title XVI of the Act, employed) in the facility's service area without discrimination on the ground of race, color, national origin, creed, or any other ground unrelated to an individual's need for the service or the availability of the needed service in the facility. Subject to paragraph (b) (concerning emergency services), a facility may deny services to persons who are unable to pay for them unless those persons are required to be provided uncompensated services under the provision of Subpart F."

It is our understanding the OCR has held that the requirement of nondiscrimination contained in Hill-Burton requires hospitals to address the needs of non-English speaking patients.

Finally, with regards to tort liability if services are not provided or the staff is not competent to perform the services, it is LACCEA's and LACHMA's recommendation that the following criteria should be considered:

TORT LIABILITY

It is our belief that when providers perform medical procedures on individuals with whom they have never effectively communicated, who have no understanding of the consequences of the procedure, the potentials for tort liability are endless. It is our understanding the National standards set by the Joint Committee on Accreditation of Hospitals, the Joint Committee on Accreditation of Healthcare Organizations and the National Committee on Quality Assurance all call for the use of linguistically appropriate services. It is our view that violation of these standards, as well as simple common sense, indicate that failing to overcome language barriers to health care could constitute professional negligence.

LACCEA and LACHMA have long been concerned about the County of Los Angeles's commitment to policies and staffing that provide equal delivery of services to the Spanish language-speaking community. We have for the least the last 20 years advocated for the recruitment, hiring, and promotions of certified bilingual Spanish-speaking staff so that there will be equal delivery of services to limited and non-English speaking members of the public that utilize Los Angeles County services. We have met with Los Angeles County government Department Heads over the years stressing the importance of this issue. We have a strong concern as to whether Los Angeles County has been in the past and is presently sensitive to this issue. Approximately 80% to 90% of the language needs in this County are for services in Spanish. Certified Spanish-speaking staff should perform that service. In the Los Angeles Unified School District, over 90% of the children who are limited English proficient are Spanish-speaking children.
In order for the county to provide equal delivery of services to Spanish-speaking clientele and other language minority clientele in compliance with Federal and State laws, LACCEA and LACHMA are asking you to direct your department heads to exempt bilingual certified employees in their departments from layoffs and demotions. Such a policy would demonstrate that the county wants to provide equal delivery of services to the Spanish-speaking community and other language minority populations.

We respectfully request that you direct each department head to provide us with a report detailing each department's bilingual staffing by work location and how each department's bilingual staffing could be impacted by the impending demotions or layoffs and their plan of action for ensuring equal delivery of services to non and limited English-speaking patients and clients. We would like a copy of these Departmental plans for ensuring equal delivery of services to their limited and non-English speaking patient

(Continue on the next page)

and client population sent to us within 10 business days.

Sincerely,

Alan Clayton	John Martinez
Director of EEO	President
LACCEA	LACHMA

CC. Supervisor Gloria Molina
Marco Antonio Firebaugh, Chair, Latino Legislative Caucus and Assembly Majority Leader
Rudy Bermudez, Assembly-Member
Ronald S. Calderon, Assembly-Member
Ed Chavez, Assembly-Member
Dario Frommer, Assembly-Member
Cindy Montanez, Assembly-Member
Gloria Negrete McLeod, Assembly-Member
Fabian Nuñez, Assembly-Member
Jenny Oropeza, Assembly-Member
Richard Alarcon, State Senator
Gil Cedillo, State Senator
Martha Escutia, State Senator
Gloria Romero, State Senator
Nell Soto, State Senator
Richard Polanco, Former State Senate Majority Leader
Grace Napolitano, Congressional Member
Xavier Becerra, Congressional Member
Lucille Roybal-Allard, Congressional Member
Linda Sanchez, Congressional Member
Hilda Solis, Congressional Member
National Association of Latino Elected and Appointed Officials (NALEO)
Mexican American Legal Defense and Education Fund (MALDEF)
Los Angeles Chapter, Mexican American Correctional Association
Los Angeles Chapter, Hispanic American Command Officers Association
Los Angeles City Employees Chicano Association
Los Angeles County Latino Public Defenders Association
Los Angeles County Latino Prosecutors Association
Mexican American Bar Association of Los Angeles County
California Latino Peace Officers Association
Nosotros
California Department, American GI Forum
Mexican American Grocers Association
Latin Business Association
Hispanas Organized For Political Advancement (HOPE)

LACCEA
2200 S. Fremont Ave., Suite 201
Alhambra, CA 91803
(626) 458-2314 • Fax (626) 458-2317
www.lacochicano.org

ADDRESS CORRECTION REQUESTED.
PLEASE DO NOT FORWARD.