

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: November 18, 2002

SUBJECT: Fiscal Impact Statement: "Language Access Act of 2002"

REFERENCE: Draft Legislation as Introduced - No Bill Number Available

Conclusion

Funds are not sufficient in the FY 2003 through FY 2006 budget and financial plan as agreed upon by the Mayor and the Council of the District of Columbia (Council) because additional staff and resources will be required. **Implementing the proposed legislation would result in unbudgeted costs of \$10.3 million in FY 2003 and \$65.2 million in FY 2003 through FY 2006.**

Anti-deficiency laws, 31USCA § 1341 (2000), prohibit District officers and employees from exceeding agency appropriations in any fiscal year. Should the District determine that funding is available to absorb the additional costs in FY 2003, then the net fiscal impact would be zero for this year. For subsequent years, the additional expenditures need to be included as budgeted expenditures.

Background

The proposed legislation would provide translation services to individuals who have little or no English proficiency at all District agencies, departments and programs including government contractual operations and entities that are the recipients of city funds. The proposed legislation impacts all government operations that furnish information or render services, programs or activities to the public.

All District operations would be required to:

- Create a language access plan for the agency;
- Provide oral language services for individuals likely to use that service; and

- Furnish written translation of documents for any population that constitutes the lesser of 3 percent or 500 individuals, and/or are likely to be served by that agency.

All District operations that regularly interact with the public would have to designate a portion of their positions (minimum of 0.3 FTEs) as a Language Access Provider. Finally, a Language Access Advisory Committee would be formed to monitor implementation of the proposed legislation.

Financial Plan Impact

District agencies do not currently provide the proposed legislation's required level of language access services. A breakdown of the fiscal impact of this bill is presented below and on the following pages.

Office of Human Rights

The Office of Human Rights (OHR) would be responsible for coordinating agency compliance with this bill. OHR would need to hire 3 FTEs to accomplish this task – a director, an investigator and an administrative assistant. It will cost \$78,105 in FY 2003 to fund these positions for one-half year. In FY 2004, when the program is fully implemented, it will cost \$156,210 to fund these positions. Costs will increase in later years resulting from step and grade advancement. The following table presents the additional costs impacting OHR.

Estimated Cost to the Financial Plan				
(\$ in millions)				
FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
\$0.08	\$0.16	\$0.17	\$0.17	\$0.58

Language Access Coordinators

Every agency with public contact is required to have one high level staff member spend at least 33 percent of their time on language access. Virtually all District agencies interact with the public. Some agencies, such as D.C. Public Libraries, Metropolitan Police Department and the Department of Motor Vehicles that have considerable interaction with the public will have to dedicate more than 0.3 FTEs to language access.

Seven agencies¹ already have a Limited English Proficiency Coordinator who can transition to being the Language Access Coordinator. If each agency without a coordinator hires a person dedicated to the implementation of the proposed operations it will cost \$870,000 in FY 2003 to fund these positions. However, hiring control requirements may delay the full position implementation until the third quarter of FY 2003. The following table presents the costs for additional Language Access Coordinators.

Estimated Cost to the Financial Plan (\$ in millions)				
FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
0.44	0.90	0.92	0.95	\$3.21

Oral Language Services

The proposed legislation would provide oral language services to individuals with limited language proficiency that seek access to District programs. As a result, most agencies would need to hire at least two FTEs of bilingual front line staff who can adequately provide language services to the individuals that most use their services. Agencies with extensive public contact will need a much wider range of staff. For example; the Department of Parks and Receptions would need at least one bi-lingual FTE at each of their 111 community/recreation centers; the D.C. Public Libraries would need to hire at least one bi-lingual librarian at each of their 27 branches; and D.C. Public Schools would require a minimum of 200 bi-lingual staff to cover every public and charter school.

The District would need to fund at least 300 FTEs to provide front line oral language services to satisfy the requirements in this bill. Agencies that already have multilingual frontline staff can designate those staff members as the interpreter for a language group, and not have to pay for the additional FTE, reducing the bill's fiscal impact. Hiring control requirements may delay the full position implementation until the third quarter of FY 2003.

The city would also need to contract with oral interpreters to compensate for gaps in service for lesser used languages and for agencies that do not have enough public contact to necessitate hiring bilingual frontline staff. If the District negotiates a citywide, on-demand contract with a telephone translation service, it could provide more expansive services at a lower cost than each agency contracting on their own. It is estimated that this telephone service would cost the city \$750,000 annually. The table on the following page presents the costs for Oral Language Translation Services.

Net Impact to the Financial Plan
(\$ in millions)

¹ Department of Consumer and Regulatory Affairs, the Department of Employment Services, the Department of Human Services, Parks and Recreation, Fire and Emergency Medical Services, the Office of Contracting and Procurement, and the Office of Tax and Revenue.

Item	FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
Frontline Positions	\$6.57	\$13.53	\$13.93	\$14.35	\$48.38
Interpreter Contractual Costs	0.75	0.75	0.75	0.75	3.00
Net Annual Impact	\$7.32	\$14.28	\$14.68	\$15.10	\$51.38

Written Translation Services

The proposed legislation requires that all District operations provide accurate translations of vital documents to any non-English language spoken by a limited or non-English proficient population that constitutes 3 percent, or 500 individuals, whichever is less of the population likely to be served or encountered by the agency. This means that all Office of Tax and Revenue forms, Department of Motor Vehicles publications, D.C. Public Schools communications, etc, will need to be translated into a number of different languages. Each agency's bilingual staff can do some of this translation, however most of it will need to be tasked out to other agencies or performed by contractors.

It is estimated that the District will need to spend at least \$2.5 million a year for translation services. Negotiating a contract with a company that provides comprehensive language translation services may be more efficient and cost effective for the larger documents. Costs could be reduced for the agencies that do not have much constituent interaction, and for some of the less predominant languages. OHR could manage the contract and pass the costs of translation back to the user agency. If so, OHR would need an additional FTE as a contract manager. The following table presents the additional costs for Written Language Translation Services.

Estimated Cost to the Financial Plan				
(\$ in millions)				
FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
\$2.50	\$2.50	\$2.50	\$2.50	\$10.00

Summary

The following table presents a summary of the net annual impact to the financial plan as a result of implementing the proposed legislation.

Net Impact to the Financial Plan					
(\$ in millions)					
Item	FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
OHR Agency Costs	\$0.08	\$0.16	\$0.17	\$0.17	\$0.58
Language Coordinators	0.44	0.90	0.92	0.95	3.21
Oral Language Services	7.32	14.28	14.68	15.10	51.38
Written Language Services	2.50	2.50	2.50	2.50	10.00
Net Annual Impact	\$10.34	\$17.84	\$18.27	\$18.72	\$65.17

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.