

**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:** February 3, 2003

**SUBJECT:** Fiscal Impact Statement: "Language Access Act of 2002"  
(Revised)

**REFERENCE:** Session 15 Draft Legislation as Introduced-No Bill Number  
Available

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**Conclusion**

Funds are not sufficient in the FY 2003 through FY 2006 budget and financial plan to implement the Language Access Act of 2002 because additional staff and resources will be required. **Implementing the proposed legislation would result in unbudgeted costs of \$0.14 million in FY 2003 and \$7.74 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.

**Background**

The proposed legislation would provide oral and written translation services to individuals who have little or no English proficiency. The proposed legislation requires these services at all "covered entities with public contact" or agencies whose primary responsibility consists of dealing with the public. The act defines 23 such entities and mandates a phased implementation schedule from FY 2004 to FY 2007.

All entities covered by the act 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.

Every agency with public contact is required to have one high-level staff member spend at least one-third of their time as a Language Access Coordinator. 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. OHR will not be able to fund these positions without additional General Fund revenue. Costs will increase in later years resulting from step and grade advancement.

The following table presents the costs to OHR.

<b>Estimated Cost to the Financial Plan</b>					
(\$ in millions)					
	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>4-Year Total</b>
OHR Administrative Costs	\$0.08	\$0.16	\$0.17	\$0.17	<b>\$0.58</b>

### Language Access Coordinators

Every agency with public contact is required to have one high-level staff member spend at least one-third of their time on language access. At least seven agencies<sup>1</sup> already have a Limited English Proficiency Coordinator who can transition into being the Language Access Coordinator.

Each entity will need approximately \$30,000, per year, to fund this position.

The following table presents the costs for Language Access Coordinators.

Estimated Cost to the Financial Plan					
(\$ in millions)					
	FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
Language Access Coordinators	\$0.06	\$0.25	\$0.45	\$0.46	\$1.02

### Oral Language Services

The proposed legislation would provide oral language services to individuals with limited language proficiency who seek access to District programs. Covered entities with public contact are required to take reasonable measures to ensure that oral language services are provided to non-English speaking clients.

The amount of FTEs that would need to be hired to provide oral language services will vary by each agency's current level of bilingual services. 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. On average, it is estimated that each covered entity will need to hire three DS-11 multilingual FTEs to satisfy the components of this Act. These three positions would cost approximately \$130,000 per agency. The act also requires that agencies fund most of these services out of existing obligations, so additional multilingual staff would need to be designated by shifting existing positions or adding additional requirements to open vacancy announcements.

The city would also need to contract with oral interpreters to compensate for gaps in service. 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. Contracted oral language services could cost approximately \$25,000 a year.

The table on the following page presents the costs for oral language translation services.

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<sup>1</sup> 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.

<b>Net Impact to the Financial Plan</b> (\$ in millions)					
<b>Item</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>4-Year Total</b>
<b>Oral Language Services</b>	\$0.00	\$0.97	\$1.84	\$3.04	\$5.85

### Written Translation Services

The proposed legislation requires that all covered entities make a reasonable effort to provide each agency's most important documents in a variety of languages. Agency bilingual staff can do some of this translation, however much of it may need to be tasked out to other agencies or performed by contractors.

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 many constituent interactions, 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 may need an additional FTE as a contract manager.

Translation services cost approximately \$60 per page. If each entity provided 250 pages of translated documents it would cost \$15,000 per agency to provide this service.

The following table presents the cost for written language translation services.

<b>Estimated Cost to the Financial Plan</b> (\$ in millions)					
	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>4-Year Total</b>
<b>Written Language Services</b>	\$0.00	\$0.11	\$0.08	\$0.12	\$0.30

### Summary

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

<b>Net Impact to the Financial Plan</b> (\$ in millions)					
<b>Item</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>4-Year Total</b>
OHR Administrative Costs	\$0.08	\$0.16	\$0.17	\$0.17	\$0.58
Language Access Coordinators	\$0.06	\$0.25	\$0.45	\$0.46	\$1.02
Oral Language Services	\$0.00	\$0.97	\$1.84	\$3.04	\$5.85
Written Language Services	\$0.00	\$0.11	\$0.08	\$0.12	\$0.30
<b>Net Impact</b>	<b>\$0.14</b>	<b>\$1.49</b>	<b>\$2.52</b>	<b>\$3.79</b>	<b>\$7.74</b>