

San Francisco Public Library Commission Policy Manual

Language Diversity Policy

Policy #506

Section: Personnel

Adopted: Nov '89

Revised

It is the policy of the San Francisco Public Library Commission that the Library's shall comply with City and County fair employment policies that insure the employment of a 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 San Francisco Public Library Commission, at the request of the Civil Service Commission, adopts the San Francisco Civil Service Commission Policy (copy attached) on Language Diversity adopted by Civil Service at its meeting of November 6, 1989 as Library policy.



CITY AND COUNTY OF SAN FRANCISCO

POLICY ON LANGUAGE DIVERSITY

PURPOSE STATEMENT

The San Francisco Civil Service Commission finds that the cultural and racial composition of the City's citizens and of its workforce has changed. Therefore, it is desirable to promulgate a 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 San Francisco Civil Service Commission reaffirms its equal employment opportunity policy that ensures the 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 Commission 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.

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.

EGAL REQUIREMENTS

The policy of the Civil Service Commission 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;
3. and 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.

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

The Civil Service Commission designates its Equal Employment Opportunity Unit (CSC EEO) as its agent in administering the guidelines and provisions of this policy. The CSC EEO Unit is further designated as the resource from which departments, employees and/or applicants for employment may obtain assistance on matters addressed in the policy.

In assuring uniform application of this policy; departments, agencies, boards and commissions of the City and County of San Francisco shall be required to:

1. Adopt this or a similar policy and forward confirmation and copies of such to the CSC EEO Unit within sixty (60) calendar days of the date of the issuance of this policy;
2. Consult with and obtain the express approval of the CSC EEO Unit prior to the implementation of any specific department language policy to assure that it conforms with the requirements of federal, state and local guidelines.

Employees and applicants for employment with the City and County of San Francisco who believe that any departmental language policy discriminates in the terms and/or conditions of their employment may file a complaint with the CSC EEO Unit under the provisions of CSC Rule 1.03F. Employees may also file such charges with the California State Department of Fair Employment and Housing or the United States Equal Employment Opportunity Commission. Instructions on how to file such a complaint are available from the CSC EEO Unit in Room 151, City Hall or by calling 554-4736.

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 at all times in a conspicuous manner on Departmental or employee bulletin boards. Further, this policy is to be included in the Department's new employee orientation.