

INTERNAL AUDIT REPORT

2024-02

Language Access Policy

Office of the Mayor

February 8, 2024

MUNICIPALITY OF ANCHORAGE
Office of Internal Audit
632 W 6th Avenue, Suite 710
P.O. Box 196650
Anchorage, Alaska 99519-6650
www.muni.org/departments/internal_audit



OFFICE OF INTERNAL AUDIT
Scott Lee
Acting Director
Phone: (907) 343-4438
E-Mail: scott.lee@anchorageak.gov



MUNICIPALITY OF ANCHORAGE
MAYOR DAVE BRONSON

OFFICE OF INTERNAL AUDIT

February 8, 2024

Honorable Mayor and Members of the Assembly:

I am pleased to present for your review the **Internal Audit Report 2024-02 Language Access Policy, Office of the Mayor**. A summary of the report is presented below.

In accordance with the 2023 Audit Plan, we performed an audit of the Language Access Policy at the Municipality of Anchorage. The objective of this audit was to determine whether adequate controls were in place over the Municipality's Language Access Policy/Program, and if these controls complied with Policy and Procedure 16-6, *Language Access Policy*, and other applicable Federal/State regulations.

Specifically, we interviewed selected Municipal staff, developed a questionnaire, and conducted a survey. We summarized the survey results and determined if the Municipality's Language Access Program satisfied the following elements of internal controls: identifying Limited English Proficiency who need language assistance access services, how language assistance access services would be provided, how staff would be trained to identify Limited English Proficiency and provide language assistance access services without creating stigma, and how Language Access Programs were monitored and updated based on data collected from language assistance access services. In addition, we also reviewed the Municipality's website and visited select Municipal offices to determine if there was an adequate effort in promoting the Municipality's Language Access Program to the public, and if there was a mechanism developed to collect the user feedback.

Our review found that the Municipality of Anchorage's Language Access Policy required improvements. Specifically, our review found that the requirements of Policy and Procedure 16-6, *Language Access Policy*, were not always followed, and the Municipal Departments' current language programs may not be effective. In addition, the Municipality of Anchorage did not display its effort to effectively promote its Language Access Policy to Limited English Proficiencies, and there was no feedback mechanism to gather data to be used for program improvement.

There are four findings in connection with this audit. Management comments were responsive to the audit findings and recommendations.

Scott Lee



Acting Director, Internal Audit



MUNICIPALITY OF ANCHORAGE
MAYOR DAVE BRONSON

OFFICE OF INTERNAL AUDIT

February 8, 2024

Internal Audit Report 2024-02
Language Access Policy
Office of the Mayor

Introduction. Anchorage is a diverse city. Data published by the United States Census Bureau indicated that Anchorage’s Mountain View community is “the most diverse neighborhood in America.” The Data also indicated that Anchorage, as a city, ranks 30th out of 366 metropolitan areas in the United States as most diverse. A study done at the University of Alaska Anchorage stated one reason Anchorage rates that high is because Anchorage is the number two city in the nation, second only to Honolulu, in its biracial/multiracial population percentages. According to the United States Census Bureau’s 2009-2013 American Community Survey, approximately 6.2% of Anchorage residents speak English “less than very well” with most of those stating they speak Tagalog followed by Spanish, Hmong, Korean, and other Pacific Island Languages. The Anchorage School District (District) also found that 100 different languages are spoken within the District.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, state that no person shall be subjected to discrimination on the basis of race, color or national origin. In addition, on August 11, 2000, President Bill Clinton signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”, determining that differing treatment based upon a person’s inability to speak, read, write, or understand English is a type of “national origin discrimination.” It directs agencies to publish guidance for their respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the Municipality of Anchorage (Municipality).

To conform with these requirements, in 2018, the Municipality adopted Policy and Procedure (P&P) 16-6, *Language Access Policy*, which states that “The Mayor’s Office shall:

- i. Designate a Mayor’s Language Access Liaison; and
- ii. Facilitate publication of this policy and the department LAPs on municipal websites.”

According to the Office of the Mayor, “After the creation of the Chief Equity Officer position in 2020, an unwritten policy placed the responsibility for Language Access in the Chief Equity position.” However, we were told that it was the intent of the Mayor’s Office to resume this responsibility, as laid out in the P&P 16-6. In November 2023, the Office of the Mayor appointed a staff member to be the Mayor’s Language Access Liaison, a position that had previously been delegated to the Municipality’s Office of Equal Opportunity’s Executive Director.

Objective and Scope. The objective of this audit was to determine whether adequate controls were in place over the Municipality’s Language Access Policy/Program (LAP), and if these controls complied with P&P 16-6 and other applicable Federal/State regulations. Specifically, we interviewed selected Municipal staff, developed a questionnaire, and conducted a survey. We summarized the survey results and determined if the Municipality’s LAPs satisfied the following elements of internal controls: identifying Limited English Proficiency (LEP) who need language assistance access services, how language assistance access services would be provided, how staff would be trained to identify LEPs and provide language assistance access services without creating stigma, and how LAPs were monitored and updated based on data collected from language assistance access services. In addition, we also reviewed the Municipality’s website and visited select Municipal offices to determine if there was an adequate effort in promoting the Municipality’s LAP to the public, and if there was a mechanism developed to collect the user feedback.

We conducted this performance audit in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Overall Evaluation. The Municipality of Anchorage’s LAP required improvements. Specifically, our review found that the requirements of the P&P 16-6 were not always followed, and the Municipal Departments’ current language programs may not be effective. In addition, the Municipality did not display its effort to effectively promote its LAP to LEPs, and there was no

feedback mechanism to gather data to be used for program improvement.

FINDINGS AND RECOMMENDATIONS

1. **P&P 16-6 Not Always Followed.**

- a. **Finding.** Our review found that the requirements of the P&P 16-6 were not always followed. Specifically, since the P&P was approved on September 1, 2018, the frontline departments were never adequately determined and updated. Policy and Procedure 16-6, states that “Frontline: Applies to department and/or personnel that have regular and substantive contact with the public via in person or telephonic communication.” Since 2018, the organization of the Municipality has changed. In addition, the user data collected since 2018 which would have helped to define which department and/or personnel should be designated as “frontline” was not followed. A management staff stated that “[employee name redacted] was the language access representative for both [department name redacted] and [department name redacted] under the previous Administration and a prior organizational structure. Under the current organizational structure [department name redacted] falls under [department name redacted] and does not have a large front facing public presence where [department name redacted] should be considered frontline. When we inquired the former Language Access Liaison if the staff was aware of any studies or surveys conducted to identify any potential clients for the LAP, the staff responded “No, I am not aware of any studies.” However, we found a “Language Access Reporting” link on the Municipality’s intranet. When we asked if the staff received any reporting via the link, the staff provided nine reports. After reviewing the reports, it was determined that all nine were reported by the same person at the Anchorage Water and Wastewater Utility. To a follow up question, the former Language Access Liaison responded, “To my knowledge no one else has needed to use the service.” However, we also obtained an invoice from the language interpretation service vendor which showed that Anchorage Health Department actively used the service.

In addition, we found that 12 of 30 (40%) Departments we surveyed did not have a LAP, and five of 30 (17%) did not have a Department Language Access Representative. It should be noted that for some of those Departments responding which had a Language Access Representative, it appeared that the Language Access Representatives were just appointed after we made the inquiry. Policy and Procedure 16-6, requires that “The Department Language Access Representative shall i. Be designated by the department director; iv. Work with the Mayor’s Language Access Liaison in developing the department’s Language Access Plan.”

Finally, we found that none of the Municipal Departments we surveyed submitted an annual report to the Mayor’s Language Access Liaison. As a result, the Mayor’s Language Access Liaison did not submit an overview report to the Mayor and Municipal Manager for review as required. Policy and Procedure 16-6 states that “Annual departmental reports will be due to Mayor’s Language Access Liaison for review and assessment on or before July 31.” It also states that “Mayor’s Language Access Liaison will submit an overview report to the Mayor and Municipal Manager for review on or before September 31[sic].”

- b. **Recommendation.** The Office of the Mayor should ensure that the requirements of the P&P 16-6 are met thru the Mayor’s Language Access Liaison working in cooperation with Municipal agencies.

- c. **Management Comments.** Management stated “The Administration concurs with the Finding and Recommendation. The Office of the Mayor has appointed a new Mayor’s Language Access Liaison that will work with Municipal agencies to ensure the requirements of P&P 16-6 are met. In addition, the Administration is considering appointing a ‘Deputy’ Language Access Liaison. In the event of an administration change, this would help provide institutional continuity within the MOA, whether it is a single individual or an entire administration that is in transition.”

- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

2. **Current Departmental Language Access Programs May Not be Effective.**

- a. **Finding.** Our review found that the Municipal Departments' current language programs may not be effective. Specifically, while 18 of 30 (60%) Municipal Departments we surveyed had some form of LAP, these LAPs did not fully align with efforts identified in effective programs. According to the Center for Medicare and Medicaid Services' *Guide to Developing a Language Access Plan (Guide)*, a LAP should include the following components; Need Assessment, Language Services, Notices, Training, and Evaluation. Although the Municipality has a contract with a vendor to provide language interpretation services (Language Services), and most departments had signage for the services (Notices) posted on their premises, we found that there was little or no evidence of these Departments doing Need Assessment, Training, and Evaluation required for their LAPs. For example, 13 of 18 (72%) departments had not updated their initial LAPs they established in 2018, the same time the P&P 16-6 was adopted. We also found that 14 of 18 (78%) Departments' LAPs used identical statistics from 2013 US Census Bureau's data for identifying populations and their needs, indicating that the Departments, and the Municipality as whole may not be able to identify all populations or accurately understand their language assistance needs. Although most of the Departments stated that they provided training to their employees in their LAPs, our review found that the training may not be adequate for their employees to learn the following objectives.

- Why it is important to provide language assistance services;
- How to effectively and respectfully communicate and interact with individuals with limited English proficiency;
- The organization's policies and procedures related to providing language access

services, including the availability of interpretation and translation services at no cost to the consumer;

- How staff can capture data around consumers' language needs and preferred language;
- Procedures to request and work with an interpreter, including when to use an interpreter; and
- What type of translated information is available to consumers and where it can be found.

Finally, we found that there was very little evidence of Departments periodically evaluating and monitoring their LAPs to ensure continued effectiveness for the Municipality. As stated earlier, we found that 13 of 18 (72%) departments had not updated their LAPs initially adopted in 2018.

- b. **Recommendation.** The Mayor's Language Access Liaison should periodically review the Departmental LAPs and evaluate their effectiveness, then work with the Departments' Language Access Representative to ensure that maximum effectiveness of the LAP could be achieved.
- c. **Management Comments.** Management stated "The Administration concurs with the Finding and Recommendation. The Office of the Mayor has appointed a new Mayor's Language Access Liaison that will regularly review the LAPs and will work with Municipal agencies to develop methodologies to maintain the LAP's effectiveness."
- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

3. **Effort to promote Language Access Policy Not Apparent.**

- a. **Finding.** Our review found that The Municipality did not display its efforts to effectively promote its LAP to LEPs. Specifically, we found that while a webpage for the LAP existed, it was not linked to any of the Municipality’s webpages to be visible to anyone visiting the Municipality’s website. According to the Information Technology Department staff responsible for updating and maintaining the Municipality’s website, the LAP webpage was a part of “Welcoming Anchorage” webpage, a project promoted by the former First Lady. At the time, a weblink to the “Welcoming Anchorage” webpage existed as part of First Lady’s webpage, on the Office of the Mayor’s webpage. However, the first lady’s webpage no longer exists, and the link to the “Welcoming Anchorage” webpage with its link to the LAP had been lost. As a result, the Citizens of Anchorage may not be aware of the LAP at all. For example, a Municipal staff member stated that the office had been visited “by many LEPs but had to provide very few language interpretation services. Because many of them brought their own interpreter.” During this Audit, we interviewed a few members of the Local Korean Community, and their response supported the staff’s statement.
- b. **Recommendation.** The Office of Mayor should work with the Municipality’s Director of Communication to develop a procedure to advertise the policy to the public, including using the Municipality’s social media accounts and placing an advertisement on the Municipality’s website.
- c. **Management Comments.** Management stated “The Administration concurs with the Finding and Recommendation. The Administration will work with the Municipality’s Director of Communication to develop a procedure to effectively advertise the Municipality’s Language Access Policy to the public.”
- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

4. **Feedback Mechanism Not Established.**

- a. **Finding.** There was no feedback mechanism to gather data to be used for program improvement. Specifically, we found that the language access complaint process was cumbersome at best, with a broken link to the online complaint form, and a paper complaint form did not exist at all. For example, most of the departments' LAPs included the following boilerplate statements for the complaint process;

“Language Access Services Complaint Process:

- A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person, or in writing; or online at:

https://moa_onlineforms.formstack.com/forms/language_access_complaint....

.... Hard Copies will be available at the front desk and will be translated into Spanish, Tagalog, Korean, Hmong, Samoan and Yup'ik.”

When we interviewed the former Language Access Liaison, we were told that, “I have not gotten word of a complaint.” After reviewing the complaint process, we determined that the lack of complaints was likely due to the cumbersome complaint process rather than the effectiveness of the LAP.

- b. **Recommendation.** The Office of the Mayor should ensure that an effective and functional policy feedback mechanism is developed and implemented. In addition, the Office of the Mayor should ensure that the feedback is monitored and addressed, and information gathered is used for the policy improvement.
- c. **Management Comments.** Management stated “The Administration concurs with the Finding and Recommendation. The Office of the Mayor has appointed a new Mayor’s Language Access Liaison that will work with Municipal agencies to develop and implement a meaningful and functional feedback mechanism. The information gathered through the feedback mechanism will be used to improve the LAPs.”

- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

Discussion With Responsible Officials. The results of this audit were discussed with appropriate Municipal officials on December 18, 2023.

Audit Staff:
Scott Lee