

**THE BILINGUAL NEEDS AND BILINGUAL PAY SURVEY  
REPORT FOR FISCAL YEAR  
July 1, 2017 – June 30, 2018**



**In accordance with Personnel Code, the Director of the Department of  
Central Management Services submits this report to the members of the  
Illinois General Assembly  
January 4, 2019**

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**BILINGUAL NEEDS AND BILINGUAL PAY REPORT 2018**

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ILLINOIS

Bruce Rauner, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Tim McDevitt, Acting Director

*As State employees,  
we are all part of a team of public servants  
working for our fellow citizens<sup>1</sup>*

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<sup>1</sup> See [Governor Rauner's TEAM \(Transparent, Ethical, Accountable, Motivated\) website.](#)

## EXECUTIVE SUMMARY

The State of Illinois is committed to ensuring that all Illinois residents can fully participate in civic life and enjoy unrestricted access to the rights, privileges, and benefits to which they are entitled. Our State provides services that are often vital for health, welfare, safety, and quality of life. The greater our ability to serve Illinois residents, the more effective Illinois government will be.

CMS is required to develop a uniform procedure for assessing an agency's need for employees with appropriate bilingual capabilities. Currently, State agencies have a variety of procedures in their budding bilingual programs that are not always consistent. The 2018 Bilingual Needs and Bilingual Pay (BNBP) Report offers a uniform assessment tool that agencies can use to determine the demand they face for bilingual services along with their capacity to address that demand. The uniform assessment tool is replete with ideas for how agencies can tailor current practices to improve their ability to serve limited English populations.

This BNBP Report should be read in conjunction with a newly-built user-friendly and interactive dashboard that consolidates agency-level and State-wide data from the past several years into an attractive and informative web-based tool, the Illinois Bilingual Interactions Dashboard (IBID). IBID makes it easy for the general public to examine State data setting their own parameters, which empowers users and increases transparency, ethics, accountability and motivation in State government. IBID's link is: <https://www2.illinois.gov/cms/personnel/DEP/Pages/BNBP.aspx>.

The most significant lesson from State-wide data is that State agencies must implement formal language tracking mechanisms for each of their public interactions, which can be folded into already existing public interaction tracking mechanisms. Without real-time language tracking mechanisms, it is impossible to truly appreciate the demand for bilingual services. The higher the data quality, the greater the chance for improvements to our bilingual program.

Nevertheless, overall results for the survey indicate that there is significant and growing need for bilingual services in Illinois. During fiscal year 2018, agencies reported almost three quarter of a million (726,284) bilingual interactions, up by 30,791 or 4% from last year. Bilingual interactions with the State tend to be quick (15 minutes or less) and frequent (occurring at least once a day), although bilingual interactions at some agencies, such as Children and Family Services and Revenue, last longer (more than half a day) and consume greater resources (in-depth).

This year, for the first time, the 2018 BNBP Report introduces U.S. Census limited English proficiency (LEP) data as a method of gauging whether bilingual employees are located in areas with high potential for language assistance requests. While the State as a whole is filling more bilingual positions than it is losing, the location of bilingual State employees should better correspond to U.S. Census LEP data.

In this 2018 BNBP Report, individual agencies have been given tools to monitor themselves, make informed decisions, and craft targeted initiatives. Because the State's bilingual program is in its infancy and data quality needs to improve, there is not enough information to appreciate

which agencies have the most successful bilingual programs. As our bilingual program becomes more sophisticated and agencies become more deliberate in their choices involving bilingual issues, CMS will be better positioned to showcase how following the State's BBNBP procedures will strengthen agencies' ability to represent everyone in their service populations, including LEP populations.

## I. Introduction

Illinois Governor Bruce Rauner has prioritized responsible and effective government within his administration through transparency, ethics, accountability, and motivation.<sup>2</sup> In recognition of Illinois' rich diversity, Governor Rauner has also instructed his administration to explore opportunities to improve the State's adeptness at being representative of and responsive to its people. Individuals with limited English proficiency (LEP)<sup>3</sup> have legal rights, privileges and benefits to which they are entitled, like their English-speaking counterparts. It is our goal to ensure that everyone we serve can fully participate in civic life and fully access State services, which are vital for the health, welfare, safety, and quality of life.

Illinois is home to more than one million LEP residents, which constitutes nearly 10% of our population and the fifth largest concentration of LEP individuals in the United States.<sup>4</sup> Between 1990 and 2013, the U.S. LEP population grew 80%, from nearly 14 million to 25.1 million.<sup>5</sup> The State must be prepared for additional growth.

Language barriers for limited English proficient residents pose challenges when trying to access information about available government services or an individual's legal rights or obligations.<sup>6</sup> Individuals with limited English proficiency (LEP)<sup>7</sup> are subject to societal exclusion and marginalization, which makes it vital for State government to take steps to bridge language barriers. The price of marginalization is not only borne by the LEP individual, but the public safety, health, economic prosperity, and general welfare of all Illinois residents is furthered by increasing language access to State programs and services.<sup>8</sup>

State government has a responsibility to ensure that all of the people we serve enjoy meaningful access to the State's programs, resources, and services. Bilingual employees are essential to ensure a fully representative, responsive, and effective State government. The strength of the State's Bilingual Program directly impacts the State's ability to effectively serve the public.

## II. Legal Authority for BNPB Report

CMS is specifically directed by the government of the State of Illinois Personnel Code to oversee the State's bilingual program by formulating strategies for language proficiency testing,

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<sup>2</sup> See, [Governor Rauner's TEAM \(Transparent, Ethical, Accountable, Motivated\) website](#).

<sup>3</sup> Limited English proficient (LEP) persons are defined as individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. [LEP.gov: Frequently Asked Questions](#).

<sup>4</sup> [Migration Policy Institute, "The Limited English Proficient Population in the United States"](#) (July 8, 2015).

<sup>5</sup> [Migration Policy Institute, "The Limited English Proficient Population in the United States"](#) (July 8, 2015).

<sup>6</sup> [Language Access to Government Services Task Force Act](#), 20 ILCS 5095/5(3).

<sup>7</sup> Limited English proficient (LEP) persons are defined as individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. [LEP.gov: Frequently Asked Questions](#).

<sup>8</sup> [Language Access to Government Services Task Force Act](#), at §5(5).

requiring agencies to annually assess their bilingual programs, and filing annual reports to the General Assembly.<sup>9</sup> The annual BNPB Report must include:

- A. Each agency's needs assessment;
- B. Number of bilingual job postings;
- C. Number of bilingual positions filled;
- D. Number employees receiving bilingual pay;
- E. Number of employees receiving bilingual pay for languages other than signing or manual communication, and;
- F. Number of Hispanic/Latino and non-Hispanic/Latino employees who receive bilingual pay for languages other than signing or manual communication.

This 2018 Bilingual Needs and Bilingual Pay Report includes all statutorily required elements. It should be noted that because CMS' jurisdiction is limited to those positions covered by the Personnel Code, when this BNPB Report refers to "State employee" it is referring to State employees in Code-covered positions, unless otherwise stated.

CMS is also required to develop a uniform procedure for agencies to assess the need for employees with appropriate bilingual capabilities. The bulk of this BNPB Report centers around this uniform procedure.

### **III. Data Collection and Presentation for 2018 BNPB Report**

#### **A. Data Collection**

To obtain the required data from agencies for the 2018 BNPB Report, CMS sends agencies an annual BNPB survey. The 2018 BNPB survey was sent to the 50 coded<sup>10</sup> agencies, plus non-coded agencies who have voluntarily participated in the past. Data was requested for fiscal year 2018, which began July 1, 2017 and ended June 30, 2018. All coded agencies submitted a response, although one agency did not certify its survey responses (Transportation) and one selected "I Do Not Agree" (Workers Compensation Commission).

One non-code agency voluntarily responded: Executive Ethics Commission. One non-code agency partially responded: Illinois State Board of Education.

#### **B. Data Presentation: Illinois Bilingual Interactions Dashboard (IBID)**

This year, CMS transformed how we display and analyze our data. Instead of inserting two-dimensional charts into the annual BNPB Report, we synthesized agencies' current and previous survey responses and built an informative, visual and interactive dashboard – the Illinois Bilingual Interactions Dashboard (IBID) – which allows users to quickly access State-wide and agency-level data, examine yearly trends, and isolate agencies for focused review.

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<sup>9</sup> [Illinois Personnel Code](#), 20 ILCS 415/9(6).

<sup>10</sup> "Coded" means covered by the Personnel Code.

IBID increases the State's transparency, accountability, and motivation to rely on data to drive diversity strategies.

IBID can be found at <https://www2.illinois.gov/cms/personnel/DEP/Pages/BNBP.aspx> and should be considered part of and examined in connection with this 2018 BNPB Report.

#### **IV. CMS Required to Develop a Uniform Procedure for State Agencies**

Currently, agencies act in relative isolation when it comes to their bilingual programs. Many programs are dissimilar or inconsistent and agencies have requested guidance from CMS. The Personnel Code specifically requires CMS to develop a uniform procedure for assessing an agency's need for employees with appropriate bilingual capabilities.<sup>11</sup> Over the years, CMS has consulted with stakeholders, including the Hispanic and Asian-American Employment Plan Advisory Councils, agency representatives, elected officials, advocacy organizations, and the general public, regarding bilingual communication by State government, all of which has generated excellent ideas. In the 2017 BNPB Report, CMS laid out elements to include in a uniform procedure. In this 2018 BNPB Report, CMS provides a detailed uniform procedure for agencies to use to help them grow their bilingual programs.

#### **V. CMS' Uniform Assessment Tool**

CMS proposes a two-part bilingual plan. The first part focuses on determining the demand for bilingual services; the second part focuses on assessing the agency's capacity to address the demand for bilingual services. This bilingual plan should be interpreted as a living document intended to evolve as the State's data collection and utilization improve.

##### **A. Overall Policy Goals**

In developing the uniform procedure for assessing agencies' need for employees with appropriate bilingual capabilities, our goal is to eliminate limited English proficiency as a barrier to accessing State services, programs, or activities.

##### **1. Statewide Consistency in Providing Meaningful Access to LEP Individuals**

Our overall policy goal is to weave together a cohesive, strategic State-wide approach that ensures that all Illinois residents, regardless of which State agency they contact, have the opportunity to be informed of, participate in, and benefit from public services, programs, and activities at a level equal to English proficient individuals.

Language access to programs or services should be accurate, timely, and effective. State services to LEP individuals should not be significantly restricted, delayed, or inferior compared to those provided to English proficient individuals.

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<sup>11</sup> [Illinois Personnel Code](#), 20 ILCS 415/9(6).

## 2. **Language Assistance Mode Matching**

Ideally, the mode of the bilingual services should match the LEP individuals mode of contact; e.g., in person if the LEP individual is in person, by phone if the LEP individual is on the phone, etc. State agencies should first look to their bilingual staff to provide language assistance. If no one is available, then agencies should take advantage of the CMS language use master contract or other available professional resources and consider this unavailability when evaluating their bilingual programs.

## 3. **The State is Responsible for Ensuring Unimpaired Communications**

LEP individuals will avoid contact with the State if they believe it is futile. Agencies are responsible for creating an environment in which LEP individuals are aware of the availability of free bilingual services. Frontline bilingual and non-bilingual employees alike bear the burden of ensuring communications are not impaired due to a language barrier and should proactively strive to assist someone who has given reason to believe they need bilingual services.

### **B. Part I: Assessing Demand for Bilingual Services**

#### 1. **Language Tracking**

The most accurate method of determining the need for bilingual services by an agency is by tracking all of the languages in which bilingual interactions with the public occur. As in years past, the State's most important and most urgent need is for agencies to diligently track all languages in which interactions with the public occur, including English, in order to measure proportions.

While some agencies use language tracking mechanisms on the frontline and in real-time, 31% of agencies that reported bilingual interactions do not track at all or track only certain modes of communication (e.g., email but not in-person), including the agency that reported the largest volume of bilingual interactions<sup>12</sup> and the agency that reported the sixth largest.<sup>13</sup> Some agencies report surveying the frontline staff; however, this still requires the frontline staff to estimate based on memory. We encourage all agencies to adopt a formal real-time language tracking mechanism to improve data accuracy.

Due to the lack of tracking mechanisms, certain data seem inaccurate. For example, State Police estimated 0 bilingual interactions last year. While sworn officers are exempt from the Personnel Code, civilians are not, including those receiving emergency calls. Other agencies also reported a surprisingly low number of bilingual interactions with the public last year, including Deaf and Hard of Hearing Commission (0), Transportation (0)<sup>14</sup> and Juvenile Justice (422). We emphasize that the more accurate our data, the more informed our policies will be.

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<sup>12</sup> Healthcare and Family Services.

<sup>13</sup> Revenue.

<sup>14</sup> The Department of Transportation is split between coded and non-coded positions.

### **a. Volume of Bilingual Interactions**

During fiscal year 2018, agencies reported a total of 726,284 bilingual interactions, up by 30,791 or 4% from last year's reported 695,493 bilingual interactions. Roughly half (49%) of the bilingual interactions were reported by one agency: Healthcare and Family Services. Together, Healthcare and Family Services and Human Services reported 79% of the State's bilingual interactions.

Most agencies reported a small number of bilingual interactions. Sixteen agencies (31%) reported 0 bilingual interactions and 66% reported under 1,000 bilingual interactions. Of the 69% of agencies that reported at least one bilingual interaction last year, the number ranged from one<sup>15</sup> to 355,236.<sup>16</sup>

Six agencies reported 18,000 or more bilingual encounters last year; the rest reported under 10,000. One agency handled half (49%) of the State's bilingual interactions: Department of Health and Family Services. In rank order, the six agencies reporting the largest number of bilingual interactions are: Department of Healthcare and Family Services, Department of Human Services, Department of Children and Family Services, Department of Employment Security, Department of the Lottery, and Department of Revenue.

For purposes of this 2018 BNP Report, these agencies will be referred to as the "big six." Five of the big six agencies are the same as last year; this year the Lottery replaced Public Health in the big six.

### **b. Frequency of Bilingual Interactions**

As IBID reflects, since 2015 more than half of the State's bilingual employees have used their bilingual skills at least monthly, with the bulk of those using their skills every day.

Within the big six agencies, employees of Children and Family Services and Employment Security used their bilingual skills at least once a day, nearly 100% of the time, employees of Lottery and Revenue used their bilingual skills at least once a day, 75% of the time (note that for Lottery this is consistent but an uptick for Revenue), employees of Healthcare and Family Services used their bilingual skills at least once a day, 67% of the time, and employees of Human Services used their bilingual skills at least once a day, approximately half of the time.

### **c. Length of Bilingual Interactions**

Just over three-fourths of the State's bilingual interactions lasted 15 minutes or less last year, a proportion which has been rising over the past four years.

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<sup>15</sup> Labor Relations Board – Educational.

<sup>16</sup> Healthcare and Human Services.

On average over the past four years, the vast majority bilingual interactions (76%) with Lottery and Revenue lasted 15 minutes or less. Bilingual interactions with Healthcare and Family Services and Human Services tend to conclude within a half-day, with roughly half of those concluding within 15 minutes. The outlier is Children and Family Services with which all bilingual interactions have lasted longer than half a day for the past four years.

#### **d. Resources Consumed**

Agencies were asked for the percent of time bilingual interactions were “in-depth,” defined as:

- *More than a brief written translation (the transference of meaning from text-to-text, and more than speech translation for the purpose of facilitating dialogue).*
- *A commitment of extensive time and resources.*
- *The simultaneous or consecutive interpretation of complex concepts.*

Nearly half (49%) of the agencies reported zero in-depth bilingual interactions last year. Four agencies reported that 100% of their bilingual interactions are in-depth: Children and Family Services, Commerce Commission, Housing Development Authority, and Financial and Professional Regulation. Revenue reported that 99% of its bilingual interactions are in-depth.

Within the remaining four agencies in the big six, for the past three years 100% of the bilingual interactions encountered by employees of Children and Family Services and Revenue were in-depth, under 50% of the bilingual interactions encountered by employees of Healthcare and Family Services, Human Services, and Lottery<sup>17</sup> were in-depth, and 55% of the bilingual interactions encountered by employees of Employment Security were in-depth, which is a sharp decline from 2016 and 2017 when 100% were in-depth.

### **C. Mitigation Against Self-Selection**

In addition to the LEP population that actually contacts an agency, we must consider the potential LEP population that would contact the agency absent perceived language barriers, some of which we are not yet aware. Otherwise, we hinder our ability to accomplish our goal of equal and meaningful access for all to State government. Accordingly, best practices dictate that we examine factors that could positively influence communication flow between State government and LEP populations.

#### **1. LEP U.S. Census Data**

Reviewing U.S. Census data regarding the LEP populations surrounding State facilities offers a benchmark for assessing the agency’s LEP service population, though not all of the LEP individuals in those LEP populations will fall within an agency’s service population.

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<sup>17</sup> Over the past three years, the proportion of in-depth bilingual interactions by Lottery employees has steadily risen from 14% to 50%.

The Illinois Department of Human Rights divides the State into 10 regions that agencies are familiar with due to the mandatory quarterly EEO/AA<sup>18</sup> reports agencies file with Human Rights. IBID provides a side-by-side comparison of the State's LEP population and location of bilingual State employees by geographic region.

IBID's heatmaps reflect that over the years the geographic location of State bilingual employees has roughly matched the location of LEP populations with the densest LEP and State bilingual employee populations in Region 1 (which includes Cook county), with the following exceptions: Regions 2 (northern part of the State) and 4 (western part of the State) are consistently more densely populated with LEP populations than with State bilingual employees, although the number of State bilingual employees in these regions has risen over the years. Also, while the heatmaps do not reflect a dense LEP population in Region 7 (which includes Sangamon county) there is consistently a dense State bilingual employee population there.

Likewise, employees in all of the big six agencies are most densely located in Region 1 (which includes Cook county). Otherwise, there is inconsistency between the location of LEP populations and the location of bilingual State employees.

## **2. Publicize Availability of Free Bilingual Services**

To counteract LEP individuals self-selecting out of our data pool on the false assumption that attempts at communication will be futile, agencies should widely publicize the availability of free bilingual services.

### **a. Proactive Translation**

Agencies have the resources to reach the LEP population through their websites and written materials. To that end, agencies should translate the most important and most visited portions of their websites into the languages most commonly encountered along with the agency's most important and most disseminated written materials, which should also be posted on the website.<sup>19</sup>

Fewer than one quarter of the agencies have translated their websites into languages other than English. Of the 76% of agencies that have not yet translated their websites, two of the big six agencies are included: Healthcare and Family Services (which reported 49% of the State's bilingual interactions last year) and Revenue.

Another way to publicize the availability of free bilingual services is by posting notices in each facility in conspicuous locations and in the languages most commonly encountered. Agencies were asked whether and where they post notices of the availability of free bilingual services, and if so, (a) whether notices were posted on the agency's website, every public entrance to the facility, or service desk of all frontline staff, or two or more of the above, and (b) whether notices were posted in languages other than English.

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<sup>18</sup> EEO/AA stands for Equal Employment Opportunity/Affirmative Action.

<sup>19</sup> The current BNP Survey does not request information regarding agencies' translated written materials, but CMS intends to request this in future surveys.

Just over half of agencies report posting notices of the availability of free bilingual services. Of those, 38% post via two or more of the listed avenues, 33% of the notices appear on the agency's website, and 29% of the notices are through other means.

Most agencies post notices in the languages they most frequently encounter; however, 10% of agencies' notices were only in English.

#### **b. Outreach**

Another opportunity to raise awareness of the State's bilingual program is through outreach in different languages to community groups, advocacy organizations, and members of the business community who assist LEP individuals. This outreach could be conducted in connection with employment outreach.

#### **c. On-Site Resources**

Each facility that receives a substantial amount of bilingual interactions should have on-site bilingual resources that are immediately available to the public. These could consist of on-site suggestion forms, an on-site liaison to provide guidance and answer questions, or a method of contacting a help desk for language assistance.

### **D. Part II: Assessing State's Capacity to Address Demand for Bilingual Services**

#### **1. Bilingual Staffing Needs Assessment**

Agencies have not historically conducted rigorous assessments to determine the number of bilingual employees necessary at each facility to provide effective services to clients who need to communicate in a language other than English. Half (49%) of agencies that reported bilingual interactions last year also acknowledged they do not conduct a bilingual staffing needs assessment. Of the 51% of agencies that reported having a bilingual staffing needs assessment, none reported a detailed assessment.

A formal bilingual staffing needs assessment is necessary to ensure relevant factors are considered when determining the number and location of bilingual positions each agency must have to ensure effective State government service to LEP populations.

We recommend that agencies develop a formal assessment to determine the number of bilingual employees needed, and the languages in which they are needed, at each facility to ensure effective government. One approach, used by at least one other state,<sup>20</sup> is based on a simple formula to determine the number of bilingual staff in a particular language that is needed at each facility to address the bilingual population in that language. For example, if 20% of bilingual encounters with the public at that facility occur in Spanish, then 20% of the frontline staff at that facility should be bilingual in Spanish.

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<sup>20</sup> See, [Dymally-Alatorre Bilingual Services Act, California Government Code Section 7290 et seq.](#)

2. **Capacity to Effectively Serve LEP Populations through State Resources**

Year to year, agencies fluctuate their number of bilingual positions filled, vacated, vacant, posted, created, and dissolved. Agencies are encouraged to scrutinize these data points in IBID and begin to manipulate them more strategically.

3. **Gain/Loss: Number of Bilingual State Employees**

As of the end of fiscal year 2018, the total number of bilingual State employees was 2,155, the highest in the past four years. Almost all (99%) were Hispanic/Latino. Almost 30% were fluent in signing/manual communication and 1% could read Braille.

Within the big six agencies, the number of bilingual employees has fluctuated slightly, yet remained relatively constant over the past four years. Notably, the number of bilingual employees within Healthcare and Family Services has been steadily declining.

4. **Gain/Loss: Bilingual Positions Filled, Vacated, Vacant, Posted, Created, and Dissolved**

During the past four years, the number of bilingual positions filled State-wide each year has remained relatively level while the number of bilingual positions vacated has sharply declined in the past two years. More coded position descriptions were revised to add the bilingual requirement rather than delete it. The number of job postings for bilingual positions is rising. Consistently, more bilingual positions have remained unoccupied than occupied, with a spike in unoccupied positions in 2018.

Here is an overview for the big six agencies.

*Healthcare and Family Services:*

The number of bilingual positions filled each year spiked two years ago but has fallen slightly while the number of bilingual positions vacated has been rising. Last year, more job descriptions were revised to add the bilingual requirement than delete it. The number of job postings for bilingual positions has remained relatively static. Consistently, more bilingual positions have remained unoccupied than occupied, with a spike in unoccupied positions in the past two years.

*Human Services:*

The number of bilingual positions filled has fluctuated slightly through the years while the number of bilingual positions vacated was highest in 2015 and has plummeted since then. The number of job postings for bilingual positions was highest in 2015, fell sharply in 2016 and has fluctuated since then. In the past two years, the number of unoccupied bilingual positions is rising compared to the number of occupied positions.

*Children and Family Services:*

Slightly more bilingual positions at Children and Family Services were filled than vacated, but the number of positions vacated is on the rise. More job descriptions were revised to add the bilingual requirement than delete it. The number of job postings for bilingual positions has fluctuated sharply through the years. The number of unoccupied bilingual positions is rising compared to the number of occupied positions.

*Employment Security:*

Employment Security filled significantly more bilingual positions than were vacated and revised more job descriptions to add the bilingual requirement rather than eliminate it. The number of job postings for bilingual positions is steadily increasing. The number of unoccupied bilingual positions is rising compared to the number of occupied positions.

*Lottery:*

Lottery reports that last year two bilingual positions were posted, filled, and vacated, and that no bilingual positions are unoccupied. Moreover, in 2018 all Coded positions became non-Coded positions.

*Revenue:*

Revenue reports that over the past three years fewer than 10 bilingual positions have been posted, filled, and vacated while more than 70 bilingual positions remained unoccupied, and that no job descriptions were revised to add or eliminate the bilingual requirement.

## **5. Bilingual Language Usage**

In assessing the State's capacity to serve our LEP populations, in addition to the number of State bilingual employees, we must also consider whether they are using their bilingual skills too rarely or too often for one employee.

### **a. Usage of Bilingual Pay and Bilingual Skills**

This category measures the extent to which State employees who receive the bilingual pay supplement utilize their bilingual skills.

State-wide and within the big six agencies the number of employees who receive the bilingual pay supplement and the number of bilingual employees who actually utilize their bilingual skills are roughly aligned. This shows that the State's bilingual employees are actually utilizing their bilingual skills at work. An increasing number of bilingual employees for Healthcare and Family Services actually use their bilingual skills at work.

### **b. Bilingual Interactions Per Employee**

Another way of gauging an agency's capacity to address its bilingual population is by analyzing the burden on each bilingual staff member to handle the volume of bilingual interactions. The greater the stress on the staff member, the greater the number of bilingual staff members the agency should hire.

As reflected in IBID under “Interactions Per Employee”, the two agencies in which bilingual employees handled the highest amount of interactions per employee last year were Lottery (4,880 bilingual interactions per employee) and Healthcare and Family Services (4,495 bilingual interactions per employee).

## 6. Missed Language Assistance Opportunities

Agencies should track the number of times language assistance is requested but unavailable because it reveals potential gaps in our bilingual program. Agencies should also track the number of times language assistance is handled by a family member, friend, or member of the public in attendance as opposed to by the State. Because it is the State’s responsibility to provide meaningful language access to its residents, we must be cognizant of all requests for language assistance, both obvious and subtle.

### a. Language Assistance Unavailable

Currently, most agencies claim to track the number of times language assistance is requested but not available, however, this seems doubtful given that agencies are not yet properly tracking the number of times language assistance is requested and is available. All but one agency reported satisfying all requests for language assistance.

### b. Language Assistance Provided by Others

Only two agencies<sup>21</sup> reported that language assistance is regularly provided by someone unaffiliated with the State such as a family member, friend, or member of the public. One of those agencies<sup>22</sup> reported only using adults.

## 7. Compliance with State Services Assurance Act for FY2008<sup>23</sup>

The State Services Assurance Act was enacted because:

*The General Assembly finds that State government delivers a myriad of services that are necessary for the health, welfare, safety, and quality of life of all Illinois residents. Because State services are used by many Illinois citizens who cannot speak the English language fluently, there is a need for bilingual State employees. The number of workers in State government who speak a language other than English is inadequate, leaving those workers who do speak another language overworked and incapable of meeting the rising demand for their services.*

*In response to this crisis, it is the intent of the General Assembly in FY 2008 to ensure the hiring and retention of additional bilingual frontline staff in State agencies where public services are most used. These additions take into account our State's current revenue crisis and are a first step. Raising bilingual staffing to meet higher national standards to*

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<sup>21</sup> Human Services and Department of Financial and Professional Regulation.

<sup>22</sup> Human Services.

<sup>23</sup> [5 ILCS 382/1 et seq.](#)

fully ensure the effective delivery of essential services is the long-term goal of the General Assembly.<sup>24</sup>

The State Services Assurance Act sets staffing standards for frontline bilingual staff who are members of various AFSCME bargaining units within 10 State agencies. These agencies are required to increase and maintain the number of frontline bilingual staff over the levels they maintained on June 30, 2007 and the Act lists the number each agency is required to maintain.

The chart below details the State Services Assurance Act compliance for the listed agencies.

Compliance with State Services Assurance Act						
Agency covered by SSA Act	# union bilingual staff 2007	# required to increase	# union bilingual staff 2018	Total required in 2018	Net Difference	SSA Act compliant?
Corrections	45	40	109	85	24	YES
Human Services	599	120	1,379	719	660	YES
<i>Mental Health/Developmental Centers</i>		20				
<i>Family/Community Resource Centers</i>		100				
Children and Family Services	154	40	160	194	-34	NO
Veterans Affairs	1	5	1	6	-5	NO
Environmental Protection Agency	14	5	11	19	-8	NO
Employment Security	117	10	135	127	8	YES
Natural Resources	0	5	2	5	-3	NO
Public Health	12	5	25	17	8	YES
State Police	1	5	0	6	-6	NO
Juvenile Justice	44	25	44	69	-25	NO

As reflected in the chart above and in IBID (“State Services Assurance Act Compliance”), only 40% of the agencies are in compliance with the State Services Assurance Act. Children and Family Services, which received the third highest number of bilingual interactions last year, is not in compliance.

## 8. CMS Master Contract

In addition to in-person staff members, 35% of agencies supplemented their bilingual services with the telephonic language interpreter services available through CMS.<sup>25</sup> Usage amounted to 726,919 minutes, or approximately one year and four and a half months. Ninety-eight languages were requested. By far (75%), the top requested language was Spanish, as noted below.

CMS Master Contract		
1	Spanish	75.63%
2	Arabic	3.91%
3	Polish	3.86%
4	French	2.68%
5	Russian	1.83%

<sup>24</sup> *Id.*, at §3-10.

<sup>25</sup> CMS Master Contract #CMS3672730 provides language interpreter services by way of a three-way telephone conversation.

<b>CMS Master Contract</b>		
6	Mandarin	1.01%
7	Cantonese	1.01%
8	Swahili	0.99%
9	Vietnamese	0.83%
10	Korean	0.71%
11	Burmese	0.67%
12	Hindi	0.65%

The remaining 86 languages were requested less than 0.5% of the time.

### **E. Appropriate Language Capabilities**

Illinois law requires agencies to ensure bilingual employees possess appropriate bilingual capabilities to serve the significant numbers of people with limited English proficiency. The BNPB Survey does not currently solicit data regarding language proficiency assessments, yet we intend to include this on future surveys.

Agencies should evaluate their language proficiency assessments to ensure they are sufficiently robust and (a) can identify fluency, (b) are closely related to the job duties for the position, and (c) include common industry terms.

### **F. Other Resources**

#### **1. Employment Budget Allocations**

The Personnel Code requires CMS to report agencies' employment budget allocation in the BNPB Report. All agencies reported the budget allocated for the supplemental bilingual pay earned by bilingual employees, however, agencies should consider dedicating resources towards outreach, training, and other activities in furtherance of their bilingual programs in their employment budget allocations as well.

#### **2. Training**

The BNPB surveys do not currently solicit information about training, but CMS intends to include this in future surveys. We recommend that agencies train employees whose duties impact the bilingual workforce (e.g., Diversity, Human Resources, Affirmative Action staff) on the State's bilingual program to increase engagement, awareness, and a sense of purpose.

### **VI. Analysis**

Language tracking by all agencies must improve to appreciate the true demand for bilingual State services. Given that Healthcare and Family Services receives roughly half of the State's bilingual interactions, this agency is an ideal testing ground for initiatives to improve the State's bilingual program.

Overall, the State is encountering an increasing number of bilingual interactions, which tend to be quick (15 minutes or less) and frequent (occurring at least once a day), although bilingual interactions at some agencies, such as Children and Family Services and Revenue, last longer (more than half a day) and consume greater resources (100% in-depth).

There is opportunity for improvement coordinating the location of bilingual employees with the location of LEP populations. Agencies should scrutinize IBID's heatmaps to assist with the decision regarding where to locate bilingual employees.

Agencies should also prioritize publicizing the availability of free bilingual services. More than three-fourths of agencies have not yet begun translating their websites, including Healthcare and Family Services. Agencies should also post notices in conspicuous locations in each facility regarding the availability of free bilingual services in the languages most frequently encountered.

After language tracking, the most significant improvements agencies can make to their bilingual programs is to adopt a bilingual staffing needs assessment. No agency appears to have adopted a formal assessment and this is crucial for determining the number of bilingual staff needed at each facility and which languages are most frequently encountered.

Information regarding agencies' bilingual position changes<sup>26</sup> can be helpful when determining the net gain or loss in bilingual positions during the year, both occupied and unoccupied. The number of bilingual employees is rising State-wide because more bilingual positions are being created and filled than vacated and eliminated. More bilingual positions remain unoccupied than occupied; however, the increase in job postings demonstrates an effort to fill these positions.

IBID reflects that at Healthcare and Family Services more bilingual positions were vacated than filled last year even though more job descriptions were revised to add the bilingual requirement rather than delete it. The data reflect that the number of job postings for bilingual positions issued by Healthcare and Family Services has not risen much in the past several years.

Most agencies do not overly burden their bilingual employees, however data for two agencies indicate their bilingual resources are too thin: Healthcare and Family Services (4,495 bilingual interactions per employees) and Lottery (4,880 bilingual interactions per employee).

Another way of measuring whether agencies have an appropriate number of bilingual employees is through reviewing agencies' compliance with the State Services Assurance Act for FY2008. Forty percent of agencies do not meet the required staffing levels.

While the State as a whole is filling more bilingual positions than it is losing, the location of bilingual State employees should better correspond to U.S. Census LEP data. Individual agencies have been given tools to monitor themselves, make informed decisions, and craft targeted initiatives. Because the State's bilingual program is in its infancy and data quality needs to improve, there is not enough information to appreciate which agencies have the most successful bilingual programs. As our bilingual program becomes more sophisticated and

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<sup>26</sup> Note that fluctuations over the past four years may be due in part to fluctuations in funding for the State budget.

agencies become more deliberate in their choices involving bilingual issues, CMS will be better positioned to showcase how following the State's BNPB procedures will strengthen agencies' ability to represent everyone in their service populations, including LEP populations.

## **VII. Best Practices**

CMS did not solicit best practices from agencies in the 2017 BNPB Survey. Moreover, since the State's bilingual program is still in its infancy, there is not enough information to appreciate which agencies have the most successful bilingual programs. Nevertheless, many agencies have begun translating their websites and they deserve to be applauded. These agencies are:

- A.** Children and Family Services
- B.** Deaf and Hard of Hearing Commission
- C.** Employment Security
- D.** Environmental Protection Agency
- E.** Financial and Professional Regulation
- F.** Human Services
- G.** Illinois Commerce Commission
- H.** Lottery
- I.** Public Health
- J.** State Fire Marshal
- K.** State Police

Although the Department of Human Rights' website is not yet translated, it has translated numerous of its most important written materials into 16 different languages and posted those on its website. Such materials include information about pursuing complaints of discrimination and guidance regarding fair housing. Other translated documents also include information about sexual harassment and employment discrimination.

## **VIII. Recommendations**

### **A. Improve Data Collection Procedures**

The foundation of the State's bilingual program rests on appreciating the demand for bilingual State services. Absent tracking every language in which a bilingual interaction with the public occurs, there is no way to grasp the volume of requests for language assistance. We recommend that agencies diligently track the languages in which all public interactions occur, including English, using a real-time mechanism completed by frontline staff. We further recommend that agencies track the incidents when language assistance is requested but not available or provided by someone unaffiliated with the State (e.g., a family member, friend, or member of the general public).

### **B. Develop a Bilingual Staffing Needs Assessment**

Agencies should develop a formal assessment process to determine the appropriate number of bilingual staff necessary to address the agency's bilingual service population. A formal bilingual

staffing needs assessment is necessary to ensure relevant factors are considered when determining the number and location of bilingual positions each agency must have to ensure effective State government service to LEP populations.

We recommend that agencies develop a formal assessment to determine the number of bilingual employees needed, and the languages in which they are needed, at each facility to ensure effective government. Agencies may find it helpful to use a formula similar to that used by the State of California which calculates the proportion of government encounters in a particular language at each facility and requires a corresponding proportion of bilingual staff in that language at that facility.

Agencies are also encouraged to consider U.S. Census data regarding the limited English population of the agency's service population, including geographic region and those directly impacted by the agency's function.

### **C. Publicize the Availability of Free Bilingual Services**

Agencies should publicize the availability of free bilingual services by posting notices in conspicuous locations and in the languages most commonly encountered, translating the most important and most visited portions of their websites into the languages most commonly encountered, translating their most important and most disseminated written materials into the languages most commonly encountered, and posting translated documents on their websites.

### **D. Incorporate U.S. Census LEP Data into Bilingual Plan**

Using the heatmap, agencies are encouraged to coordinate their bilingual efforts from adding or deleting the bilingual option from job descriptions, to posting and filling vacancies, to adding or subtracting the number of bilingual employees in the regions in which the heatmaps suggest they are most needed. We also recommend that agencies explore Census LEP data to identify the languages most used by LEP populations in the various regions.

### **E. Examine Internal Bilingual Plan Through BNP Lens**

This 2018 BNP Report offers numerous ideas agencies can adopt that will help them shape and develop their bilingual programs. Agencies are encouraged to utilize IBID to isolate and study their own agency's datapoints, draw comparisons with similar sister agencies and the State, and implement initiatives listed herein that will target the agency's unique needs.

### **F. Draft Written Policies Regarding the Agency's Bilingual Programs**

CMS recommends that agencies draft written policies regarding their bilingual programs that include the agency's formal assessment process for determining the number of bilingual staff needed to meet its service population's bilingual needs; the agency's language proficiency evaluations for bilingual job candidates; the agency's mechanism for tracking bilingual language interactions; and which government services, websites, and written materials will be offered in languages other than English, at a minimum.

## **G. Evaluate Language Proficiency Assessments**

Illinois law requires agencies to ensure bilingual employees possess appropriate bilingual capabilities to serve the significant numbers of people with limited English proficiency. Agencies should review their language proficiency assessments to ensure they are sufficiently robust and (a) can identify fluency, (b) are closely related to the job duties for the position and (c) include common industry terms.

## **H. Provide On-Site Resources Regarding Language Assistance**

Each facility that receives a substantial amount of bilingual interactions should have on-site bilingual resources that are immediately available to the public. These should consist of on-site suggestion forms, an on-site liaison to provide guidance and answer questions, or a method of contacting a help desk for language assistance.

## **I. Initiate Proactive Efforts**

1. Conduct outreach to raise awareness of the State's bilingual program.
2. Form a committee tasked with monitoring and enhancing the agency's bilingual program.
3. Encourage employees whose duties impact the agency's bilingual workforce (e.g., Diversity, Human Resources, Affirmative Action staff) to attend meetings of the Hispanic, African-American, and Asian-American Employment Plan Advisory Councils to seek guidance and learn best practices.

## **J. Training**

Provide training for all staff members whose job duties impact the agency's bilingual needs program, including those involved in creating or modifying job descriptions to include, add, or eliminate a bilingual designation; those involved in recruiting, interviewing, and hiring bilingual employees; and frontline employees with direct public contact.

## **IX. CMS Contact**

We invite anyone with questions, suggestions, concerns, or other comments to contact the Deputy Director of Diversity and Inclusion for CMS at [Lisa.g.williams@illinois.gov](mailto:Lisa.g.williams@illinois.gov) or (312) 814-8213.