

Bilingual Pay

4.1.3

PURPOSE

The City recognizes the value of employees who can communicate with residents and customers in languages other than English, and offers premium pay to eligible employees for such skills. This section describes the criteria, policies and procedures for administering the bilingual pay premium.

AUTHORITY

This special pay program has been established as part of the agreement between the City and certain employee organizations. It may be subject to change upon negotiation and should be reviewed upon adoption of new contracts. **To the extent any provision in this policy conflicts with the provisions of an applicable MOA, the MOA provisions shall prevail.**

POLICY

1. Justification for bilingual pay differential

Departments may request bilingual pay differential for an employee based on the employee's use of a non-English language as part of their regular job duties. Requests may be on the basis of oral translation duties only or oral and written translations, depending on the provisions of the applicable Memorandum of Agreement.

Requests are reviewed by Human Resources based on the following criteria:

- The language must be used on the job on a regular, on-going basis (for example, four (4) or more times per month on average; one or more times per week on average, etc.); or
- For sworn employees, the language has been identified by the Police Chief or Fire Chief as a high-need language.

2. Eligibility

This policy is currently limited to full-time and part-time benefited employees who are covered by bargaining unit contracts that provide for bilingual pay differential. Part-time unbenefited employees in the Municipal Employees' Federation (MEF) are also eligible. Eligible employees who meet the following criteria shall be compensated for each pay period actually worked at the rate specified in the applicable Memorandum of Agreement:

Full-Time Employees:

- The duties currently assigned to the employee and/or currently being performed by the employee require utilization of a non-English language on a regular basis.
- The employee must pass an examination certifying his/her ability to speak or write the required non-English language.

Part-time Employees:

- The employee must be a benefited part-time employee or unbenefited part-time employee in the Municipal Employees' Federation (MEF).
- The duties currently assigned to the employee and/or currently being performed by the employee require utilization of a non-English language on a regular basis.

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- The employee must pass an examination certifying their ability to speak or write the required non-English language.

3. Discontinuing bilingual pay

Any employee who leaves a position in which he/she is receiving bilingual pay will cease to receive the pay. This will occur whenever an employee is transferred, promoted, reassigned, or otherwise leaves the specific position for which the pay was authorized.

Eligibility will be reviewed on an annual basis by Human Resources to verify whether employees receiving bilingual pay are performing duties that require utilization of a non-English language.

Bilingual Pay will not be considered as part of an employee's salary for retirement calculation purposes.

4. Bilingual examinations

Human Resources is responsible for the development of examination content and rating criteria to evaluate an employee's ability to speak or write a non-English language. The examination may be administered by employees who have already been certified in that language, under the direction of Human Resources, or by an outside vendor selected by Human Resources.

PROCEDURES

Department Director or Designee	Submits Request for Bilingual Pay form to Human Resources for each employee(s) who may qualify for the bilingual pay differential.
Human Resources Department	<ol style="list-style-type: none"> 1. Reviews classification and position eligibility (i.e. proper representation unit; benefited position, if part-time). 2. Reviews and approves substantiation for bilingual pay by verifying regular use of the non-English language on the job. 3. If employee qualifies, the Request form is routed to the employee along with an instruction sheet on how to contact the current vendor who is contracted with the City of San Jose to administer bilingual examinations. (When appropriate, Human Resources may coordinate with a department to have certified bilingual employees administer the examination under Human Resources direction.)
Employee	<ol style="list-style-type: none"> 4. Makes appointment for examination and gives Request form to the test administrator.
Test Administrator	<ol style="list-style-type: none"> 5. Returns the Request form to Human Resources along with test results.
Human Resources	<ol style="list-style-type: none"> 6. If the employee passes the examination and meets all criteria for receiving the bilingual pay differential, Human Resources signs the Request form, indicates the effective date (must coincide with the beginning of a payperiod) and sends it to Payroll. Notification is also sent to the employee, department HR Liaison and the supervisor.

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- 7. If an employee fails the bilingual examination(s), the employee is eligible to retest in ninety (90) days from the date of the failed test. Notification is sent to the employee, department HR Liaison and the supervisor.
- Payroll Division
Finance Department
- 8. Implements pay differential in employee's pay schedule.
 - 9. In the event an eligible employee is on leave of absence, with or without compensation, for a period of one full pay period or more, the employee will not receive bilingual pay for that period.
 - 10. Reviews transactions and discontinues bilingual pay differential when employees leave a position for which bilingual pay was authorized.
- Human Resources
- 11. Human Resources distributes annual report of employees receiving bilingual pay to each department.
- Department
- 12. Reviews annual report and notifies Human Resources if any employees should cease receiving bilingual pay due to a change in position or job duties.
- Human Resources
- 13. Notifies Payroll to discontinue pay to any employees who are no longer eligible based on Department feedback

Approved:

/s/ Mark Danaj
Director of Human Resources

2/1/08
Date



Memorandum

**TO: Alex Gurza, Deputy City Manager
Human Resources Department**

**FROM: _____
Department Director/Designee**

SUBJECT: Request for Bilingual Pay

DATE: _____

It is requested that pay for:

ORAL Bilingual Skills be

WRITTEN Bilingual Skills (used on a regular basis) be:

- Initiated
- Continued
- Discontinued

- Initiated
- Continued
- Discontinued

*The employee is in a classification represented by a bargaining unit that allows for bilingual pay differential.

Name: _____ Employee ID. # _____

Department: _____ Division: _____

Work Phone #: _____ Class and Title and # _____

Supervisor: _____ Title: _____

Work Phone # _____

Language used on the job (other than English): _____

How frequently is this language used on the job? _____

The circumstances requiring the use of this language on the job include: (Please include a description for the written translations)

- ✓ _____
- ✓ _____
- ✓ _____
- ✓ _____

Department Director or Designee

Human Resources Department Use Only

Reviewed by: _____ Date: _____ Recommendation: Approved Denied

Results of Bilingual Exam: Pass Fail Exam Administrator: _____ Date _____

HR Approval: _____ Date: _____

Begin Bilingual pay for: **ORAL** and/ or **WRITTEN**

Effective Pay Period/Date: _____