

# APPENDIX 12

Napa County Bilingual Pay Differential Policy

## **BILINGUAL PAY DIFFERENTIAL POLICY**

This Policy describes the circumstances and conditions under which an employee may be eligible to receive bilingual pay.

### **Section 1. Eligibility**

- a. Any person employed in an allocated position which has been assigned duties involving regular or frequent use of bilingual skills as defined in this Policy shall be eligible to receive the bilingual pay differential as herein provided.
- b. The Human Resources Division shall certify whether an employee is qualified and eligible to receive the bilingual pay differential. An employee who is not certified shall not receive the bilingual pay differential.
- c. Regular or frequent use shall mean using the skill ten (10) percent or more in the course of the employee's assigned duties. Exceptions may be made for an employee to be eligible to receive the bilingual pay differential for less frequent use at the request of a department and upon approval of the Director of Human Resources and County Executive Officer, or their designee.
- d. The provisions of this Policy shall be limited to those employees occupying positions listed on the Department Allocation List.
- e. The provisions of this Policy shall not apply to management positions, and shall only apply to supervisors who spend at least fifty percent (50%) of their time in direct contact with the public.
- f. The compensable language shall be limited to American Sign Language (ASL), Spanish, or Tagalog. The application of this Policy to other language skills shall require recommendation by the County Executive Officer, or their designee, and approval by the Board of Supervisors.
- g. An employee who has previously exhausted their examination attempts and appeals may restart the bilingual certification procedure documented in this policy if appointed to a new position.

### **SECTION 2. BILINGUAL PAY DIFFERENTIAL**

- a. Certified employees shall be eligible to receive the bilingual pay differential rate set forth in the respective Memorandum of Understanding or a pro-rata amount for

part-time employees. There are two levels of compensable bilingual skill, depending on the requirement of the position. The two levels are as follows:

- i. Level I  
Ability and job-related need to converse in the second language and to read English and translate orally into the second language.
  - ii. Level II  
Ability and job-related need to converse in the second language and to read English and translate orally into the second language, to read the second language and translate orally into English, and to write in the second language.
- b. Bilingual pay differential for certified employees shall be effective upon the commencement of a certified bilingual assignment.

### **Section 3. Termination of Bilingual Pay Differential**

The County shall discontinue paying the bilingual pay differential when any of the following occurs:

- a. The position is no longer designated by the Department as a bilingual position.
- b. The employee is assigned, transferred, promoted, or demoted to a position that is not designated a bilingual position, as set forth in Section 1 of this Policy.
- c. The employee fails to pass the bilingual exam at the time of any retesting.

It is the Department's responsibility to notify Human Resources and Payroll within five (5) work days of occurrence of any of the above events.

### **Section 4. Certification Procedure**

- a. Department Head/Supervisor shall submit a completed Request for Bilingual Pay form to Human Resources.
- b. Human Resources will notify the employee, their immediate supervisor and the appropriate Human Resources Department Liaison regarding the date, time and location of the bilingual skills examination.
- c. Upon successful passing of the examination, the employee shall be certified to receive the bilingual pay differential and written notification of such shall be forwarded to the employee, their supervisor and the appropriate Human Resources Department Liaison.

- d. Human Resources will notify the Auditor-Controller's Office that the employee is certified to receive the bilingual pay differential.
- e. The County may require retesting and recertification of an employee at its discretion.

### **Section 5. Repeat Examinations**

An employee who fails a bilingual skills examination shall not be assigned bilingual work and must wait a specified period of time before being eligible to re-take the examination. The waiting periods are as follows:

- a. First-time unsuccessful candidates shall wait three months from date of the last examination.
- b. Second-time unsuccessful candidates shall wait six months from date of the last examination.

### **Section 6. Failure to Pass the Examination a Second Time**

An employee who receives a failing score on the bilingual examination on two successive attempts shall either:

- a. Not be assigned any work responsibilities requiring bilingual skill; or
- b. Have their probationary period terminated where possession of bilingual skill is a requirement for the successful completion of their duties.

### **Section 7. Appeals**

An employee who fails a bilingual examination two times is not eligible for a third attempt. However, employees may appeal their results directly to the Director of Human Resources who shall decide if a retest is permitted.