

Subject: BILINGUAL PAY

REFERENCES	SECTIONS
Classification and Pay (C&P) Guide	Section 230
Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9	GC: 7290-7299.8
Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	Refer to Employee's MOU
Responsible Control Agency and Program	State Personnel Board CalHR
Selection Manual (Old)	Sections 5245 and 6920

Bilingual Pay

Purpose The purpose of this section is to provide information regarding bilingual pay, certified bilingual positions, certified bilingual employees, and the process of employee certification.

Background Government Code § 7290 to 7299.8, also known as the Dymally-Alatorre Bilingual Services Act, requires the following:

- State and local agencies ensure that they provide information and services in the various languages spoken by their clients where a "substantial" number of non-English-speaking people require such services.
- State agencies must employ a sufficient number of qualified bilingual staff in public-contact positions and translated documents explaining available services into languages spoken by their clients.
- State agencies are to conduct a biennial survey to determine the level of bilingual needs in each local office and the staffing available to provide the services.

State agencies to develop a plan to respond to any deficiencies identified by the survey.

Definitions The following is a list of definitions that pertain to bilingual pay:

- Certified bilingual position - A position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time.

NOTE: The program's C&P Analyst must review the position duty statement to confirm the percentage of time performing bilingual skills.

- Certified bilingual employee - An employee who has successfully participated in an Oral Fluency Examination and is in a designated bilingual position.
 - Bilingual pay differential - A monthly pay differential that is granted to a certified bilingual employee who is in a designated bilingual position.
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Bilingual Pay, Continued

WARNING: The **position**, not the employee, receives the bilingual designation. If the employee leaves that position, they no longer qualify for the bilingual pay unless their new position is also certified as a bilingual position.

Policy DGS will adhere to and comply with the provisions of the Dymally-Alatorre Bilingual Services Act.

Scenarios The following charts describe scenarios that could occur

When...	And...	Then...
The vacant position is designated bilingual	The selected employee is not certified	<ul style="list-style-type: none"> Follow the process described below
The position is not designated bilingual and the duties are changing to where bilingual skills are necessary	The employee is not certified	<ul style="list-style-type: none"> The position duty statement is reviewed by the C&P Analyst The position certified as bilingual Follow process described below
The vacant position is designated bilingual	The selected employee is already certified	<ul style="list-style-type: none"> Substantiation is provided PTU is notified and the pay differential is processed

Important Employees cannot be approved for bilingual pay until they have successfully passed a fluency examination.

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Bilingual Pay, Continued

Information required for fluency examination

The following is a list of employee information that is obtained by the Personnel Liaison from the hiring supervisor and submitted with a written request to OHR for an oral fluency exam:

- Employee's name
 - Employee's home address
 - Department and Section employed
 - Supervisor's name and telephone number
 - Employee's telephone number
 - Department's address
 - Employee's Social Security Number
 - Language to be tested
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Process to certify an employee

The following table describes the stages necessary to certify an employee and staff responsibilities.

Stage	Who	Does what...
1	Program Supervisor	<ul style="list-style-type: none"> • Contacts PL
2	Program Personnel Liaison	<ul style="list-style-type: none"> • Obtains employee information • Submits written request for an Oral Fluency Exam to Selection Analyst
3	OHR Personnel Analyst	<ul style="list-style-type: none"> • Reviews duty statement • Approves duty statement • Transmits written request to SPB • Sends copy of exam results to PTU
4	SBP Bilingual Services Program	<ul style="list-style-type: none"> • Makes exam arrangements • Notifies employee and Personnel Analyst of exam results
6	Personnel Transactions Unit	<ul style="list-style-type: none"> • Initiates bilingual pay for the employee • Files original document in employee's Official Personnel File
