



George Deukmejian, Governor

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THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

EMPLOYEE RELATIONS OFFICERS
PERSONNEL OFFICERS

SUBJECT: Bilingual Differential Pay

The purpose of this memorandum is to notify all appointing powers of the current program standards for the authorization of bilingual differential pay, and to remind all appointing powers that they must comply with these standards when authorizing bilingual differential pay.

Agreements between the State and the exclusive representatives for all Civil Service Bargaining Units provide bilingual differential pay for employees meeting the program standards for bilingual differential pay. The provisions for bilingual differential pay require certification and/or proof of language fluency as a qualification for bilingual differential pay. An employee must pass a departmentally administered language fluency examination which has been reviewed and approved by the State Personnel Board (SPB); or, have been previously certified bilingual by passing an SPB exam. The employee must also meet a ten percent usage requirement in order to receive bilingual differential pay. This criteria also applies to nonrepresented employees.

The State Personnel Board has delegated to all departments the authority to administer language fluency exams to ensure that those persons providing bilingual services can perform the tasks required of the position. Questions regarding language fluency testing should be referred to the Bilingual Services Program at 322-2772, ATSS 492-2772 and 324-8251, ATSS 454-8251, or the Examination Coordination Control and Operations Unit at 324-0379, ATSS 454-0379 at the State Personnel Board.

Attached is a copy of the current program standards for bilingual differential pay. Questions regarding the bilingual differential pay program should be directed to Diane Navarro, at (916) 324-0439 or ATSS 454-0439.


 R. L. Rutherford, Manager
 Personnel Services Branch

Attachment

STANDARDS FOR BILINGUAL DIFFERENTIAL PAY

Departments are required to ensure that all employees meet the standards for bilingual differential pay. The standards are:

1. An individual must pass a departmentally administered language fluency examination which has been reviewed and approved by the State Personnel Board (SPB); or, have been previously certified bilingual by passing an SPB examination. The employee must also be in a position that has been certified by the department as a position requiring the use of bilingual skills on a continuing basis averaging ten percent of the time. Use of bilingual skills includes any combination of conversational, interpretational or translation work. The ten percent time standard is calculated based on the time spent conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.
2. The position must be in a setting where bilingual skills are required to meet the needs of the public. This includes positions:
 - a. with direct public contact; or,
 - b. in a hospital or institutional setting dealing with patient or inmate needs; or,
 - c. utilized to perform interpretation, translation or specialized bilingual activities for the department and its clients.

Please note that bilingual differential pay is not contingent upon the employee's position being designated as a bilingual position.

3. Where organizationally feasible, departments should centralize the bilingual responsibility in as few positions as possible.
4. Departments must immediately notify the State Controller's Office in any case where, through a duty change or a change in the employee's work status, the employee is not eligible for continued bilingual differential pay. Departments shall ensure that bilingual differential pay will not automatically continue if the employee no longer provides the bilingual services.

In addition, departments may not approve bilingual differential pay solely on the basis that a position was previously filled by a person eligible for this differential. Bilingual differential pay is not contingent upon a particular position. The new employee must be certified in language fluency and language usage to be eligible for bilingual differential pay.

All departments are required to maintain permanent information and document files of all positions qualified to receive bilingual differential pay for audit purposes.