ADMINISTRATIVE POLICY

SECTION: 300	**POLICY#:** 307
TITLE: Bilingual Pay Policy	**R & O #:** 24-91
	IMPLEMENTED BY PROCEDURE #: n/a
SPONSORING DEPT/DIV: Human Resources & Office of Equity, Inclusions & Community Engagement	
ADOPTED: 12/17/2024	**REVISED:** n/a

PURPOSE:

The purpose of this policy is to provide bilingual pay for employees who support Washington County's response to the language access needs of the communities it serves, and to operate in compliance with Federal and State Civil Rights laws, and related Washington County policies.

AUTHORITY:

Washington County's Equal Employment Opportunity Plan, Title VI of the Civil Rights Act of 1964, Executive Order 13166, and State Civil Rights Laws.

APPLICABILITY:

This policy applies to regular, limited-duration and variable-hour employees. Employees occupying temporary positions are not eligible for bilingual incentive pay. Represented employees will be guided by the applicable collective bargaining agreement.

GENERAL POLICY:

Washington County is committed to ensuring that individuals with Limited English Proficiency (LEP) have meaningful access to Washington County programs, services, and activities. This commitment is informed by federal and state law, County policy, and best practices.

Title VI of the Civil Rights Act of 1964 and Executive Order 13166 requires federal funding recipients to assure language access for community members with Limited English Proficiency. This includes providing interpretation and translation as needed and hiring qualified bilingual staff to ensure culturally and linguistically appropriate service delivery, which is more efficient and cost effective.

In compliance with Title VI of the Civil Rights Act of 1964, no person shall be denied the benefits of or be subjected to discrimination in any program, service, or activity provided by County personnel, contractors, or consultants on the grounds of race, color, national origin, English proficiency, age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income.

This Bilingual Pay Policy is part of Washington County's implementation of this commitment and the County's Equal Employment Opportunity Plan and Title VI of the Civil Rights Act of 1964.

POLICY GUIDELINES:

1. Responsibilities:

   Human Resources (HR) is responsible for administering the Bilingual Pay Policy, including approval of the bilingual position designations and proficiency testing and certification. The Human Resources Department's responsibilities shall also include a periodic review and report on the number and location of positions designated as bilingual.

   Managers and supervisors are responsible for complying with the provisions of this policy and for working collaboratively with HR to determine the bilingual designated positions required to ensure that bilingual staffing levels meet the language access needs of the communities served by program(s) and service(s). Managers and supervisors shall ensure that employees utilizing language skills have demonstrated the proficiency level necessary to provide accurate and quality services to non-English speakers. Managers and supervisors shall ensure that the appropriate level of language assistance resources are provided to ensure accurate service, including the use of outside vendors if needed when the necessary resource is not available within existing employee resources.

   Bilingual employees who have not been tested for bilingual proficiency and who do not work in bilingual designated positions may use their language skills in informal, episodic, brief and emergency situations. Employees will not be compensated for providing language assistance in these situations.

2. Elements of the Policy:

   Positions designated as bilingual must meet the following criteria:

   A. Public contact with regular and frequent use of bilingual skills. For the purpose of this policy, "regular and frequent use" is defined as at least 20% of available time;

B. Bilingual skills are an essential element of job duties; and
C. Position performs in a setting where there is a demonstrated public need for the designation.

In the event that an incumbent moves to a position that is not designated as bilingual or if the bilingual designation of a position is removed, the bilingual pay will cease.

3. Eligibility:

   Applicable employees in bilingual designated positions who demonstrate proficiency in a language other than English by completing the required language proficiency assessment test(s) and receiving a passing score.

4. Testing:

   Applicable employees and candidates must take the required language proficiency assessment test(s) as determined by Human Resources, which may include written and/or oral examinations, and demonstrate proficiency in another language (other than English).

   The Human Resources Department will determine the methods used to test bilingual proficiency based on skills required for the designated position.

   Bilingual proficiency testing will be administered by the Human Resources Department to applicants or incumbents of a designated bilingual position. Testing may include a standardized written competency test and an oral examination.

   Employees and candidates who fail the proficiency test(s) for bilingual positions may retake the test once without a waiting period. If the employee or candidate fails two consecutive tests, they may retake the test after waiting for six (6) months, provided there is a business need at that time.

5. Testing during the recruitment process:

   Candidates must meet the required qualifications and pass all other required screening requirements for the designated position.

   The bilingual proficiency test(s) will be a condition of employment and will be initiated upon acceptance of a conditional job offer. If the candidate does not pass the bilingual proficiency tests, the job offer will be rescinded.

6. Compensation:

   Full-time employees eligible for Bilingual Pay shall receive payment in an amount of five percent (5%) of the employee's base pay rate, exclusive of any other incentive pay, or a flat rate of seventy-five dollars ($75) per pay period, whichever is greater.

   Part-time and variable-hour employees shall receive payment in an amount of five percent (5%) of the employee's base pay rate, exclusive of any other incentive pay.

   The associated percentage will be calculated utilizing the employee's base rate salary.

   The amount will be prorated for any leave without pay status during the pay period.

7. Periodic Review:

   This Policy shall be reviewed under the authority of the County Administrator by the Office of Equity, Inclusion and Community Engagement and Human Resources once every three (3) years or more often if needed and updated as necessary.

WASHINGTON COUNTY
OREGON

BILINGUAL DIFFERENTIAL PAY FORM

Please complete the required information below. Submit the completed form to the Human Resources Division for review and approval. Attach additional page detailing justification for the request to designate position as bilingual.

Position #_____ Classification Title:_____

Dept. /Division _____

Position Type: **Select Position Type**
(only eligible position types are listed)

To assign bilingual designation, the position must meet all of the criteria listed below:

- Public contact that require regular and frequent use (at least 20% of available time) of bilingual skills.
- Bilingual skills are necessary to provide service to the community and essential to the successful performance of the functions of the department.
- Bilingual skills are an essential element of the job duties for the position
- The position performs in a setting where there is a demonstrated public need for the designation.

Incumbent in a position designated as bilingual must possess the ability to converse in second language; to read English and translate in writing and orally into second language; to read and translate the second language in writing and orally into English; and write in second language. Some positions may require the ability to perform additional special translation and/or writing skills, including medical, legal, and/or other technical terminology, may require regular use of a non-English language in situations that are critical in a "life-and-death" sense and non-routine.

Department Director	***Human Resources***
	Approved: Yes ☐ No ☐
Signature Date	Signature Date
Bilingual designation *(position control)*: Add ☐ Remove ☐	