

# ***DRAFT***

## **Department of Social and Health Services (DSHS) Dual Language Assignment Pay (AP) For Employees who Use Dual or Multiple Language Skills**

**Updated October 1, 2008**

**Authorizing Sources:**

- RCW 74.04.025
- WAC 388-03
- Collective Bargaining Agreements (Compensation Section- Assignment Pay);
- Administrative Policy 7.20
- Administrative Policy 7.21
- Administrative Policy 18.28 (Items 32 and 33)

**Other Resources:**

- Reyes vs. Thompson; Class Action Stipulation, Agreement of Settlement and Consent

### **Purpose**

This policy establishes requirements for the hiring, use and compensation of bilingual employees. Bilingual employees provide direct services to limited English proficient (LEP), deaf, deaf/blind, and/or hard of hearing clients and employees. Employees meeting all of the requirements outlined in this policy are eligible to receive assignment pay equivalent to an additional two pay ranges.

### **Definitions**

**Assignment Pay** – The premium added to base salary to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the ordinary.

**Bilingual Employee** – As used in this policy, a DSHS staff member who has passed the required DSHS bilingual employee language examination(s).

**Client** - A person who applies for or receives services from DSHS.

**Foreign Language** – As used in this policy, any language other than English and sign languages.

**Interpretation** – The transfer of an oral or manual communication from one language to another.

**Interpreter** – A person who provides interpretation.

**Language Testing and Certification Program (LTC)** - The unit within the Administrative Services Division, Office of Administrative Resources responsible for the administration of testing in foreign languages for DSHS employees, contracted interpreters and translators.

**Limited English Proficient (LEP)** – A limited ability to speak, read, write and/or understand English.

**Office of the Deaf and Hard of Hearing (ODHH)** - A DSHS agency administering various programs and services. ODHH is a resource to assist DSHS with the identification, arrangement, and provision of appropriate auxiliary aids including telecommunication relay services, specialized telecommunication equipment, and sign language interpreter services. ODHH provides information and referral regarding assistive listening system and captioning. ODHH is responsible for providing a skills assessment to determine employees' ASL proficiency.

**Sign Language** - The visual language of the Deaf community in the United States. Sign Language requires the use of facial expressions, hand shapes, body language, and gestures. American Sign Language (ASL) includes its own syntax and grammar structure that is different from English and any other spoken or foreign language. Other visual communication modes based more on the English language include Pidgin Signed English (PSE), Signed Exact English (SEE), etc.

**Translation** - The transfer of a written communication from one language to another.

**Translator** – A person who provides translation.

### **General Requirements**

The following are requirements for dual language skill AP positions:

- The position must be a Washington General Service position.
- The appointing authority or designee must determine the need for language skills in a specific non-English language. The following is a non-exclusive list of factors that should be considered when determining the need for dual language skills:
  - caseload language demographics.
  - frequency of need for language skills in a specific non-English language (an employee who uses his/her dual language skills infrequently may not be a candidate for assignment pay).
  - costs of contracted services provided to meet specific non-English language needs.
- A needs assessment and consideration for AP should be completed, at a minimum, on an annual basis as part of an employee's evaluation.
  - AP that had once been approved for a position may be removed if the specific non-English language caseload and/or the frequency of need for that language decrease.
- The dual language skills requirement must be clearly outlined in the Position Description Form (PDF) to specify how and to what extent the dual language skills will be used on the job.

### **Hiring Process for Dual Language Skills Positions**

Persons applying for positions requiring dual language skills must pass the appropriate test or assessment for dual language *prior* to placement in the positions. The hiring process for positions requiring dual language skills is as follows:

1. A job announcement for the position is issued. The job announcement must include a Special Requirements statement outlining the need for dual language skills, including the requirement to be tested and pass the appropriate language skills test(s).
2. Submitted application packets are screened and a pool of interviewees is selected.

3. Upon completion of the interviews, the appointing authority or designee submits the names of the top 2 or 3 candidates to the appropriate office (see below) for dual language skills testing/assessment.
  - For *foreign language* skills testing contact the Language Testing and Certification unit (LTC).
  - For *sign language* skills assessment contact the Office of the Deaf and Hard of Hearing (ODHH).
4. The scheduling office contacts each candidate and schedules him/her for the next available test. The scheduling and evaluation of tests for these candidates will be given priority and handled expeditiously.
5. The appointing authority or designee offers the position to a candidate who passes the test.

### **Testing Requirements**

Prior to using dual language skills on the job, employees must demonstrate their ability to effectively use these skills. Language skills are assessed in the following ways:

- For use of ***foreign language*** skills (e.g., Spanish, Russian, Vietnamese, etc.), current/potential employees must pass the required language skills test(s) offered through LTC, as outlined in the “Bilingual Position Clusters and Test Requirements” table.
  - Tests are free of charge.
  - Testing for ***current*** employees must be approved and requested by the employee’s supervisor. For current employees in Region 2, contact Region 2 Human Resources Division for testing. For current employees in all other regions, contact LTC for testing.
  - Testing for ***potential*** employees must be approved and requested by the appointing authority or designee. For potential employees in all regions, contact LTC for testing.
  - Pre-test study materials for test candidates are available on-line at the LTC website.
  - LTC/HRD will contact test candidates to schedule them for the necessary tests.
  - If the current/potential employee fails the test, he/she may retest on the next available day and time. If a person fails a test three times, he/she must wait six months before taking the test again and between each subsequent attempt.
  - Upon written request, LTC will provide a critique of a failed test to an applicant who does not pass the required test(s).
  - Bilingual employees who move from one job classification to another must meet the certification requirements for the job classification they are moving into. After the employee has taken and passed the appropriate test, he/she is authorized to use their bilingual language skills in the new position.
    - For example, a bilingual Financial Services Specialist (Position Cluster 2) who takes a new position as a Social Worker (Position Cluster 5) must be tested in, and pass, Position Cluster 5 to use their bilingual skills as a Social Worker.
  - Bilingual employees must register with LTC each year to update their contact information and employment status (i.e., current position and work location).

- Bilingual employees who have not used their language skills on the job for 5 or more years, and are being reassigned bilingual skills duties, must be re-tested in their current job classification position cluster.
- For more information regarding language testing please refer to the Language Testing and Certification Examination Manual. The Examination Manual is available at the following websites:
  - Internet - <http://www1.dshs.wa.gov/msa/LTC/index.html>
  - Intranet - <http://asd.dshs.wa.gov/LTC/index.htm>
- For use of ***sign language*** skills, current/potential employees must pass a sign language proficiency assessment offered through ODHH. Please note:
  - The assessment will evaluate the current/potential employee's proficiency to expressively and receptively communicate directly with sign language users.
  - The assessment can be scheduled by contacting ODHH at (360) 902-8000.
  - For more information regarding ODHH, please visit: <http://odhh.dshs.wa.gov>.

**Employees who do not pass the required language skills test(s) or assessment will not receive AP, nor will they be allowed to use their non-English language skills on the job with clients as part of their regular work assignments.**

### **Role of Bilingual Employees**

The role of bilingual employees is to communicate directly with clients and/or other employees as required in the PDF.

- Under most circumstances, bilingual employees should not be asked to function as 3<sup>rd</sup> party interpreters or translators. Bilingual employees may only be used as an interpreter in non-client related situations and/or in brief, emergent client related situations.
  - Assignment pay for use of dual language skills is not intended as pay for additional workload.
  - Asking employees to work as *interpreters* in client related situations may present an actual or perceived conflict of interest. By definition, interpreters/translators must remain neutral; not advocating on behalf of the worker (DSHS) or the client.
- If an employee is assigned to provide interpretation and/or translation services as a regular part of their assigned duties, the employee must be tested and become certified/authorized at the professional interpreter and/or translator level. For sign language interpreting, the employee must register with and be approved by ODHH as a sign language interpreter.
  - The employee's workload must be adjusted accordingly.
  - Interpreter/translator responsibilities must be clearly outlined in the PDF.

***Please note:*** Translation responsibilities should be limited to "client specific" documents only. Translation of official Department form templates must be processed through headquarters.