

**EXHIBIT A**Language Pay Differential  
Binding City Policy**Scope**

The purpose of this policy is to establish a language pay differential of \$1.00 per hour to the base salary wage of City of Portland employees who use their multilingual skills to serve limited English proficient community members.

**Policy**

Language is a major barrier for the public in accessing City services, programs, activities and communications. This has been abundantly clear during the COVID-19 pandemic as immigrant and refugee community members expressed difficulty in accessing vital information in the language they could understand. One of the goals of instituting the language pay differential policy is to increase equitable access to government for linguistically and culturally diverse community members served by the City of Portland. As the City strives to be a more inclusive, multicultural institution serving the public equitably, increasing the number of different languages spoken by City staff to serve the public, demonstrates a proactive effort to comply with institutional civil rights obligations to reduce institutional language barriers and increase meaningful access to government.

City of Portland employees are currently providing language assistance without being compensated; this is a workplace equity issue that needs to be rectified. As an employer of choice, the City must show it values the level of competency and social capital multilingual employees bring to the institution.

All job types may be considered for the language pay differential including seasonal, non-represented, represented, limited term, elected officials, and returning retiree.

There are three pathways for designating a position that benefits from a language skill and is eligible for the language pay differential:

A. Positions that are public facing, customer service, community engagement, field work, or community outreach, at a minimum should be designated citywide as benefiting from a language skill and be eligible for the language pay differential. Examples include but are not limited to elected officials, 311, bureau Customer Service staff, Council office staff, Council Clerk office staff, Police/Fire/911 staff, Park Rangers, infrastructure maintenance workers, Civic Life, Office of Equity, employees staffing Emergency Coordination Center, bureau Equity Managers and teams, and more.

B. Managers assign additional positions that they've identified as benefiting from a language skill, based on community need. The Bureau of Human Resources and Office of Equity and Human Rights will be involved in the designation of the positions benefiting from multilingual employees.

C. An employee-initiated pathway for consideration of the language pay differential requires employees to submit a form to the Office of Equity and Human Rights for the consideration of the language pay differential. The form will ask the employee to describe in narrative form how their language skill removes barriers for community and brings value to the institution.

The employee's usage of their language skill will be evaluated through performance review processes with their manager.

### **Testing Requirements**

To be eligible for the language pay differential, employees must pass a verbal proficiency test administered by an external testing agency contracted through the City.

Every three years, recipients who wish to retain the differential must retest and pass in order to continue receiving the differential.

All qualifying employees - including those who are retesting to continue receiving their differential - who fail their test, are encouraged to retest after 6 months or upon completion of a training program (documentation of training completion required), whichever comes first.

If the employee fails more than twice, they are responsible for paying for future costs of tests out of their own pocket and taking the test on their own personal time.

### **Definitions**

#### Language Pay Differential

Language pay differential is when hourly or weekly additions are made to the pay of employees that speak a second language and their place of employment benefits from the utilization of the language.

#### Limited English Proficiency (LEP)

Limited English Proficiency (LEP) refers to "Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals

may be entitled language assistance with respect to a service, benefit, or encounter.” (Source: lep.gov)

## **Bureau Responsibilities**

### The Bureau of Human Resources (BHR)

- Work with Procurement Services to contract with a language testing agency to assess the employee’s proficiency in oral communication. The agency will test for the following performance level: Employee can handle conversations in the tested language, on a broad range of subjects and at a normal rate of speech. The employee understands some slang or idioms or grammatical structures of the language, and can figure out what is said by the context of the conversation. When speaking, an employee at this performance level can express themselves over a broad range of topics at a normal speed. Their errors will not cause misunderstanding to a native speaker.
- Provide central coordination of the language proficiency testing process; between bureaus, employees and testing agencies.
- Convene and lead a committee of City employees, that shall include Equity Managers and Office of Equity and Human Rights staff, to designate positions citywide that benefit from a language skill and are eligible for the language pay differential.
- Work with City bureaus and offices to ensure City employees, current and prospective, are aware of the language pay differential and understand how to qualify for it.
- Enter into Letters of Agreement with any City union to provide for the language pay differential to represented employees without need for further City Council approval.

### BHR and Office of Equity and Human Rights (Office of Equity)

- Codevelop processes and procedures for City managers to assign additional positions they’ve identified as benefitting from a language skill and shall be considered for the language pay differential.
- Codevelop a process for multilingual City employees whose positions have not been designated as needing a language skill by their manager, but who believe their language skill removes barriers for multilingual community members and brings value to the institution, to be considered for the language pay differential.

### All other City bureaus and offices

- Work with the Bureau of Human Resources and the Office of Equity and Human Rights to help bureau managers identify employees and positions who qualify for the differential.

- Upon identifying candidate, bureaus will fund the testing process for their respective employees.
- Bureau leadership, with the guidance of the Language Access Program, will encourage managers to track language needs in their bureaus and language pay differential employees to serve as *language links*.

### **Level of Service**

Qualifying employees will function as a *language link*, as outlined in the Language Access Program procedures, while they assist the community member experiencing institutional language barriers in connecting to a professional language service provider.

The decision on whether to use a differential recipient as a *language link* is a crucial decision point that must be critically assessed based on the type of contact with the limited English proficient community member.

A professional language service provider must be contacted when there are:

- Safety implications
- Health implications
- Legal implications
- Financial impacts
- Notices of rights and disciplinary action

In these cases, accuracy and confidentiality are especially essential.

Qualifying employees are not required to do any written translation work. If employees choose to do any written translation, they will limit these jobs to simple jobs, such as a short page, sentence or tagline. Any translation created by an employee must have a quality check by another language pay differential recipient.

### **Policy Responsibility**

The Bureau of Human Resources and the Office of Equity and Human Rights are responsible for developing and implementing this policy and providing technical assistance to the bureaus. The Bureau of Human Resources and the Office of Equity and Human Rights shall review this policy at least annually and update it as needed to reflect changes to business objectives or community need.