

**Bilingual Pay****4.1.3****PURPOSE**

The City recognizes the value of employees who can communicate with residents and customers in languages other than English, and offers premium pay to eligible employees for such skills. This section describes the criteria, policies, and procedures for administering the bilingual pay premium.

**AUTHORITY**

This special pay program has been established as part of the agreement between the City and certain employee organizations. It may be subject to change upon negotiation and should be reviewed upon adoption of new contracts. **To the extent any provision in this policy conflicts with the provisions of an applicable MOA, the MOA provisions shall prevail.**

**POLICY****1. Justification for bilingual pay differential**

Departments may request bilingual pay differential for an employee based on the employee's use of a non-English language as part of their regular job duties. Requests may be on the basis of oral translation duties only or oral and written translations, depending on the provisions of the applicable Memorandum of Agreement.

Requests are reviewed by the Human Resources Department based on the following criteria:

- The language must be used on the job on a regular, on-going basis (for example, four (4) or more times per month on average; one or more times per week on average, etc.); or
- For sworn employees, the language has been identified by the Police Chief or Fire Chief as a high-need language.

**2. Eligibility**

This policy is currently limited to full-time and part-time benefited employees who are covered by bargaining unit contracts that provide for bilingual pay differential. Part-time unbenefited employees in the Municipal Employees' Federation (MEF) are also eligible. Eligible employees who meet the following criteria shall be compensated for each pay period actually worked at the rate specified in the applicable Memorandum of Agreement:

**Full-Time Employees:**

- The duties currently assigned to the employee and/or currently being performed by the employee require utilization of a non-English language on a regular basis.
- The employee must pass an examination certifying their ability to speak or write the required non-English language.

**Bilingual Pay****4.1.3**Part-time Employees:

- The employee must be a benefited part-time employee or unbenefited part-time employee in the Municipal Employees' Federation (MEF).
- The duties currently assigned to the employee and/or currently being performed by the employee require utilization of a non-English language on a regular basis.
- The employee must pass an examination certifying their ability to speak or write the required non-English language.

**3. Discontinuing bilingual pay**

Any employee who leaves a position in which they are receiving bilingual pay will cease to receive the pay. This will occur whenever an employee is transferred, promoted, reassigned, or otherwise leaves the specific position for which the pay was authorized.

Eligibility will be reviewed on an annual basis by the Human Resources Department to verify whether employees receiving bilingual pay are performing duties that require utilization of a non-English language.

Bilingual Pay will not be considered as part of an employee's salary for retirement calculation purposes.

**4. Bilingual examinations**

The Human Resources Department is responsible for the development of examination content and rating criteria to evaluate an employee's ability to speak or write a non-English language. The examination may be administered by employees who have already been certified in that language, under the direction of the Human Resources Department, or by an outside vendor selected by the Human Resources Department.

**5. In-Person Language Assistance by City Certified Bilingual Staff**

It is recommended that certified bilingual City staff help limited and/or non-English speakers by communicating "in-language" and providing them information related to departmental programs or activities.

If a certified bilingual staff member is not comfortable with their language ability in a specific situation, then professional translators/interpreters are available to support City staff and provide language access to residents and businesses. For larger or more complicated projects, departments are encouraged to contract with professional vendors for (oral) interpretation and (written) translation services.

Certified bilingual City employees are expected to:

- Provide direct services (the services that City staff usually provide) in their certified language(s).
- Assist limited and/or non-English speaker to find the right office, schedule an appointment, obtain a needed document, etc.

**Bilingual Pay****4.1.3**

- Review documents professionally translated by the City's contracted vendors for their City departments.
- Translate short texts (less than half page).

The Human Resources Department maintains a current list of staff who have been certified by the City as proficient (oral and/or written) in languages other than English. This list of multilingual staff is available on the City of San José intranet and SharePoint.

Additional information regarding interpretation and translation services can be found in the City's [Language Equity Policy and Guidelines](#).

#### 6. Emergency Response Language Access Guidelines

During an emergency event, the Emergency Operations Center (EOC)/Department Operation Center (DOC) shall provide outreach and information to City residents and businesses in Spanish, Vietnamese, and Chinese (including Cantonese and Mandarin) by following these strategies:

- Activate a Language Access Unit within the emergency operations of the EOC/DOC, consisting of certified bilingual staff to provide timely and essential language assistance.
- Assign staff to lead and coordinate efforts of the unit for transcreation of materials.
- Activate vendor contracts for urgent (less than 24-hour lead time) turnaround of professional translations and interpretation (including ASL), closed captioning, video captioning, etc.
- Build partnerships with community-based organizations and ethnic media to broaden outreach.

For such purposes, the EOC/DOC should identify certified bilingual staff who would qualify to work in future emergency activations.

### **PROCEDURES**

Employee or Supervisor	Completes Request for Bilingual Pay in <a href="#">eWay</a> .
Supervisor and/or Department Director	Reviews request and approves if employee meets eligibility criteria. Denies request if employee does not meet eligibility criteria.
Human Resources Department	If request is approved, the employee will be contacted to take a bilingual examination by the Human Resources Department.  Upon successfully passing the examination, the results are recorded in eWay, and a request to implement bilingual pay is forwarded by the Human Resources Department to Payroll for processing.
Payroll Division Finance Department	Processes the request to implement the bilingual pay and determines the effective date. The effective date of the bilingual pay must coincide with the beginning of a pay period. Updates the workflow in eWay as needed.
Human Resources	Posts and updates the list of employees receiving bilingual pay on a

**Bilingual Pay****4.1.3**

Department                      monthly basis.

City Departments              Notifies the Human Resources Department if any employees should cease receiving bilingual pay due to a change in position, job duties, or department.

Human Resources Department      Notifies Payroll to discontinue pay to any employees who are no longer eligible based on Department feedback.

Approved:

\_\_\_\_\_  
/s/ Jennifer Schembri  
Deputy City Manager  
Acting Director of the City Manager's  
Office of Employee Relations/  
Human Resources Department

\_\_\_\_\_  
January 22, 2025  
Date

Approved for Posting:

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/s/ Jennifer A. Maguire  
City Manager

\_\_\_\_\_  
January 22, 2025  
Date