

**DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL**

**Personnel  
Directive**

Subject: BILINGUAL PREMIUM PAY

***ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES***

June 20, 2007

PERSONNEL DIRECTIVE NO. 33

BACKGROUND

The review and approval responsibilities previously shared by the City Administrative Officer and the General Manager of the Personnel Department are now the sole responsibility of the Department Head. Bureaus must submit requests for bilingual position authorization or assignment on Personnel Department Forms ES 67 and ES 66 (copies attached).

The Board of Public Works has assigned the Office of Management-Employee Services has been delegated the responsibility to coordinate the program.

The Personnel Department stresses the importance of submitting a request for bilingual authorization, prior to assigning a person bilingual duties. Past failure to seek timely authorization has resulted in disputes and delays in payment of bilingual bonuses. Several Memoranda of Understanding covering Public Works' employees contain language pertaining to bilingual differential, which states, "Such compensation shall be retroactive to the employee's first day in a bilingual position. However, such compensation shall not be paid unless the employee has been properly certified in accordance with the provisions of Section 4.84 of the Los Angeles Administrative Code."

This directive sets forth the procedures to be followed by bureaus when requesting bilingual premium authority.

PROCEDURE

- I. Request for Bilingual Position Authorization
  - A. The employing bureau makes a determination that it is necessary to fill a position with a person able either to converse fluently in a language other than English, or to speak, write and interpret a language other than English.
  - B. Personnel Department Form ES 67, "Request for Bilingual Position Authorization," shall be completed and sent to the Office of Management-Employee Services for processing.
  - C. Completion of Request for Bilingual Position Authorization Personnel Form ES 67
    1. Submit a separate Request for Bilingual Position Authorization (Form ES 67) for each classification performing similar duties at a single work location.

2. The space entitled "Number of Positions" will specify one position unless two or more individuals in the same classification perform the same duties at the same work location.
3. "Work Location" refers to the specific location at which the duties are performed. Specify the division, section, address and room number. If the duties are in a general geographic area of the City, name the geographic area. The back of the form may be used to complete this information.
4. In justifying the need for the bilingual position, describe specifically those duties, which require the use of a second language and give some explanation of the degree of complexity of second language usage. (For example, does the employee simply converse with the members of the public concerning general topics of information or is the employee required to interpret ordinances and various code provisions, and explain matters requiring specialized knowledge on specific complex topics?) Explain what specific benefits are derived by the City by having a bilingual employee assigned to this position.

D. Approval of Request for Position Authorization

1. The Office of Management-Employee Services will review the duties and responsibilities of the position for which the bilingual premium has been requested and will make a determination as to whether the specified position qualifies for a bilingual premium in accordance with the criteria and policy adopted by the City Council. Employing bureaus should direct specific questions concerning the criteria used in evaluating their request to the Department's Bilingual Program Coordinator at (213) 987-1802. General criteria for approval or denial authority are discussed in Section III. A and C.
2. If the specified position qualifies for a bilingual premium, the Office of Management-Employee Services will prepare a memo to the Controller's Office authorizing the bilingual premium to be paid to the specified position. A bilingual position number will be assigned to each authorized position to be used for future identification purposes. Additionally, the memo will indicate the percentage of premium to be paid. If the incumbent is required only to converse fluently in a language other than English, a 2.75 percent bilingual premium is authorized. If the incumbent is required to speak, write and interpret a language other than English, a 5.5 percent bilingual premium is authorized.
3. If the specified position is not approved for a bilingual premium, the request will be returned to the requesting bureau with an explanation of the reasons for disapproval.

## II. Request for Bilingual Position Assignment

### A. Completion of Request for Bilingual Position Assignment Personnel Form ES 66

1. If an employee is promoted or transferred from one position authorized a bilingual premium to another position authorized a bilingual premium, a new position assignment request, Personnel Department Form ES 66, must be submitted in accordance with Step II. B for the second position.
2. When an employing bureau wishes to assign a different employee to a specific authorized bilingual position, Form ES 66 should be submitted in accordance with Step II. B.
3. Bilingual premium positions are authorized by classification. In the event an authorized position is to be filled on an in-lieu basis, and the duties of the position to be employed do not differ substantially from those of the position for which the premium was authorized, i.e., Clerk Typist for Clerk Stenographer, a Position Authorization Form is not required. The position assignment form submitted should indicate the additional or revised duties and the bilingual position number to be transferred. The "Class Title and Class Code of Employee" section of Form ES 66 should be completed as in the following example:

"Clerk Typist, 1358 (in-lieu of Clerk Stenographer, 1321)."

4. The transmittal memo noted in Step C.2 above, authorizing a position to receive a bilingual premium will assign a Bilingual Position Number to that specific position. The employing bureau should enter this number in the "Bilingual Position Number and Position Description" section on Form ES 66.
5. In the space provided for the name of the previous incumbent, enter the name of the last individual assigned to this position which received a bilingual premium. If no previous incumbent in this position received a bilingual premium, write "New."

B. When a Bureau receives approval for a premium pay position and desires to assign an employee to the position, the Bureau shall submit Personnel Form ES 66, "Request for Bilingual Position Assignment," to the Office of Management-Employee Services for transmittal to the Personnel Department where bilingual testing will be scheduled.

### C. Approval of Request for Position Assignment

Upon receipt of the request, the Personnel Department arranges for the written and/or verbal test of the nominee. After the test results are known, the Personnel Department will indicate on Form ES 66, the appropriate premium level for which the employee qualifies. The effective date is usually determined by:

1. The provisions of the applicable MOU for represented employees; or
2. The assignment date for non-represented employees.

D. Payroll Documentation

Upon receipt of an approved request, the Office of Management-Employee Services will submit a Form General 41, "Payroll/Personnel Change Document," and a copy of the approved request for assignment to the Controller to reflect the authorized bilingual premium.

E. Review of Bilingual Positions

The Office of Management-Employee Services will conduct periodic reviews of authorized bilingual premium positions to ensure proper administration of the program. Employing Bureaus should regularly review bilingual positions to ensure compliance with these procedures and for possible changes necessitating reconsideration of premium level (upward, downward or deletion).

III. Bilingual Employee Information Sheet

When submitting the Request for Bilingual Position Assignment, employing bureaus must also submit the Bilingual Employee Information Sheet (see attached) to the Office of Management-Employee Services.

IV. Criteria for Final Determination

A. Criteria for Approval of Authority

1. The position involves regular public contact and is utilized 5 percent or more of an incumbent's time;
2. The position involves regular public contact and serves a geographic area where 30 percent or more of the population speaks a second language;
3. The position provides services, which require bilingual skills and which are of substantial benefit to the City.

In determining the appropriate premium level to authorize, these provisions should be noted:

Positions for which a 5.5 percent premium is requested, first must be found to meet the criteria for approval of a premium for speaking the language. Once this has been done, the 5.5 percent premium may be approved where a position also involves regular and frequent writing and interpreting or a great deal of writing or a great deal of interpreting. Occasional use of these skills should not qualify the position for the additional premium.

## B. Policy

1. Positions receiving compensation above the level of Civil Engineer will not be authorized a bilingual premium. Employees in such positions do not primarily deal with the public and the basic compensation for their primary duties adequately covers a wide range of secondary duties that include use of bilingual skills (CF 138530); and
2. Positions requiring bilingual skills at least 25 percent of an incumbent's time shall be filled with qualified bilingual personnel or be kept vacant (CF 80-3889; CF 79-3388).

## C. Criteria for Denial of Authority

1. The position does not have regular, recurring, public contact; or
2. Bilingual skills are not required to accomplish the normal duties of the position; or
3. Bilingual inquiries are occasionally referred to the incumbent of the position because he/she has bilingual skills, which are not required for the performance of the normal duties of the position.

V. Deletion of Existing Bilingual Authority

If an authorized bilingual premium is no longer required for a specific position, the employing Bureau should notify the Bilingual Program Coordinator in writing. The memo should include the position number deleted; if any personnel are affected; and a brief explanation as to why the position no longer requires bilingual skills.

VI. Requests for Bilingual Certification

## A. Bilingual Certification Under Civil Service Rule 5.31

1. The examination bulletin must have included a statement that some of the positions may be filled by bilingual certification.
2. The request will not be approved unless the employing bureau has made an attempt to notify current employees in the class of the bilingual vacancy, e.g., by newsletter, posted bulletins, telephone or personal contact.
3. The employing bureau must submit a "Request for Certification" indicating in the Special Instructions box that this is a bilingual certification, and what language is required.
4. The Office of Management-Employee Services verifies that a bilingual premium has been authorized for that position.

- B. When an appointing authority wishes to transfer an employee from a bilingual to a non-bilingual position, in accordance with Rule 5.32, approval must be requested.

Approval will be given if:

1. The employee has completed a probationary period in the class to which the transfer is requested, or:
2. The final general average of the employee in the examination from which he/she was appointed would be high enough for appointment from the current eligible list.

A request to transfer an employee from a bilingual position to a regular position must be submitted to the Bilingual Program Coordinator, who will then forward the request to Personnel Department, Classification Division, for approval.

Reference: L.A. Administrative Code Section 4.84, Ordinance No. 158612, effective 2-17-84, Civil Service Rule 5.31 and 5.32,

Attachment: Bilingual Employee Information Sheet

