



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** LANGUAGE DIFFERENTIAL PAY

**A.R. Number:** 5.15 **Effective Date:** 7/1/2023 **Page:** 1 of 4

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

#### **I. PURPOSE**

This policy authorizes a language differential pay for employees who provide bilingual services for an identified city language of need. Bilingual employees are called upon to provide services that aid outreach and engagement to the city's populations who communicate in languages other than English. Compensation of bilingual employees through a language differential will improve communication with citizens, expand access and services, and strengthen relationships in Richmond communities where English is not their language of preference. This policy standardizes application of the differential pay among employees.

#### **II. POLICY**

##### **A. Eligibility for Language Differential Pay**

Employees are eligible for language differential pay pursuant to this policy if they meet the following criteria:

1. The employee is in a permanent, full-time or part-time position.
2. The employee does not already receive other types of differential pay. There are four exceptions: the employee can receive educational incentives, night shift differential pay, on-call pay and clothing allowances, and also receive a language differential pay. Where mutually agreed by the employee and supervisor, the employee may do assignments that could qualify for more than one type of differential pay; however, the employee will receive the highest of the differentials.
3. The employee is at least bilingual in a city-identified language of need. The employee can pass a language evaluation test confirming proficiency in at least speaking the language of need. The possession of the bilingual skill enhances communication with constituents and access to city services.
4. Employees who hold positions as an official city interpreter or translator will not qualify for the language differential pay. Employees who are designated as bilingual employees are not city interpreters or translators.

##### **B. Designation as a Bilingual Employee**

To qualify for language differential pay, an employee must demonstrate proficiency in both English and the language of need by passing an independent, third-party test. Testing for



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proficiency will cover at least speaking the language of need. Employees will be tested to confirm proficiency when they initially apply for designation and language differential pay. Employees may be re-tested for proficiency every five (5) years.

#### **C. Application of Language Differential Pay**

Whenever an employee is designated as a bilingual employee:

1. The employee shall receive additional compensation at a rate determined by the Chief Administrative Officer or designee.
2. The payroll cost of the language differential will be managed and provided by the Department of Human Resources (HR).
3. The differential will be provided for the time period the employee is designated as a bilingual employee.
4. If an employee is promoted or changes positions, the language differential pay will cease. The employee will need to reapply for the language differential pay under the new position.

### **III. PROCEDURE**

- A. Compensation of bilingual employees through language differential pay is a citywide program. The program may not be changed or eliminated without the approval of the Chief Administrative Officer.
- B. Any changes to the language differential pay rate and application will be approved by the Director of HR and the Chief Administrative Officer.
- C. The Department of Human Services' Office of Immigrant and Refugee Engagement (OIRE) will review the city's most commonly used languages other than English and provide a list to HR every year.
- D. On an annual basis, HR will review the list of commonly spoken languages from OIRE, program usage, and the language differential pay rate to recommend if the rate should be increased, decreased, or eliminated. HR will also contact employees regarding usage, to confirm if they wish to continue in the program, and to open the program to others who may be interested in serving in this role.



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- E. An independent, third-party test will be used to confirm proficiency in at least speaking for designation as a bilingual employee.
- F. HR and OIRE will ensure the bilingual employee passes the proficiency test and is designated as a bilingual employee. HR will coordinate the differential pay program, providing the employee with the differential pay included in their bi-weekly paycheck.
- G. Once the employee has been designated as bilingual and approved for language differential pay, employees may be required to take a training to understand their role, the scope of their responsibilities, and that their role as a bilingual employee is not that of a city interpreter or translator.
- H. HR and OIRE will keep an up-to-date list of individuals designated as bilingual employees receiving language differential pay in the event another department or a citizen needs assistance.

**IV. RESPONSIBILITY**

**Chief Administrative Officer** – The Chief Administrative Officer has the authority to designate an employee as a bilingual employee and set and approve the rate of language differential pay.

**Department Heads** – Department heads are responsible for determining their department’s need for bilingualism based on the populations served and services rendered.

**Department of Human Services’ Office of Immigrant and Refugee Engagement (OIRE)** – OIRE is responsible for maintaining a list of the city’s most commonly-used languages other than English and working with HR to designate bilingual employees.

**Department of Human Resources (HR)** – HR is responsible for working with OIRE to designate bilingual employees, tracking bilingual employees at the city, identifying bilingualism needs for recruitment and hiring, managing and providing the payroll cost of the language differential pay, and approving any changes to the language differential pay rate.

**V. DEFINITION**

**Differential Pay** – Differential pay is considered a supplement to an employee’s base pay that is based upon performing the specific duties of the assignment. The differential pay will be included in the employee’s pay. It is the employee’s responsibility to review their paycheck and immediately bring any discrepancy related to supplemental pay to the attention of their



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immediate supervisor. The city will exercise the right to offset any overpayment, in accordance with city policy. Underpayments must be brought that are brought timely immediately to the attention will be processed during the next pay period, where administratively possible.



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**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR