



CITY OF BEND

Language Premium Pay for Non-Represented Employees

Policy No. HR-0404

City Manager Administrative Policy

Bend Code Chapter 1.30.005 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Signed by:

Eric King

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Eric King, City Manager

Dated: 8/29/2025

Reviewed by Legal Counsel:

Signed by:

Ian Leitheiser

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Ian Leitheiser, City Attorney

Dated: 8/29/2025

Policy No. HR-0404

Adopted: 08/28/2025

Owner: City Manager's Office; Language Access Coordinator

Revised:

Revision No.

I. Purpose

The purpose of this Policy is to establish a program by which multilingual non-represented employees may qualify for language premium pay. The premium rate of pay will be a fixed hourly amount in addition to the employee's base wage, which is consistent with the framework for represented employees under the City of Bend's collective bargaining agreements in effect at the time of adoption of this Policy.

II. Policy Statement

Language can be a barrier to the public in accessing City services and programs, understanding and exercising rights, and complying with civic responsibilities. It is the City of Bend's policy to increase equitable access to government for linguistically and culturally diverse community members served by the City of Bend. The City also recognizes the value, competency, and social capital multilingual employees bring to the organization.

III. Scope

This Policy applies to all regular or limited term non-represented employees who are interested in, and willing to, use their multilingual skills in the workplace. The City recognizes that not all employees who speak, read, or write in other languages may wish to utilize their skills in the workplace, and that their choice should be respected.

IV. Definitions

Language Access Coordinator: The City employee responsible for coordinating the City's Language Access program. This coordination includes overseeing the tasks set forth in the Language Access Plan, identifying policy-related improvements, conducting staff training, and serving as a consultant to departments on language access-related needs.

Multilingual Employees: For purposes of this Policy, Multilingual Employees means those who demonstrate proficiency in any of the following as determined by a language fluency test administered by the City:

- Speak and/or write in both English and a Qualified Language; or
- Speak/sign in English and American Sign Language (ASL)

Qualified Language: A language identified on the City's Qualified Language List. As of 2024, Spanish and American Sign Language (ASL) are qualified languages as a result of the City's Language Access Needs Assessment and the Americans with Disabilities Act (ADA).

V. Policy Terms & Provisions

A. Qualified Language List

The City will maintain a Qualified Language List identifying languages which qualify an employee for premium pay eligibility under this Policy.

The City has the discretion to add or remove languages from the Qualified Languages List. These decisions should be supported by qualitative and quantitative data to the greatest extent possible, such as the most recent U.S. Census Bureau data (American Community Survey data or decennial Census), and any documented community needs. The City will consider the number of respondents who reported speaking English “less than ‘very well’” in the most recent Census Bureau data. The City will document all data used to support a decision to add or remove a language from the Qualified Languages List. If a Department identifies a language it wants to add to the Qualified Language List, the Department Head should contact the City’s Language Access Coordinator.

As of 2024, Spanish and American Sign Language (ASL) are qualified languages as a result of the City’s Language Access Needs Assessment and the Americans with Disabilities Act (ADA).

B. Determining Eligibility for Premium Pay

The City has sole discretion to determine whether an interested employee is eligible for premium pay under this Policy. To make this determination, the City will consider (1) Qualified Language proficiency, and (2) operational needs.

1. Language proficiency: The employee must demonstrate proficiency in a Qualified Language through a test or other certification process administered by the City or its contractor(s). The City has sole discretion to select the test or other certification process required of the employee, as well as the requisite proficiency level.
2. Operational needs: The employee’s proficiency in a Qualified Language must support their Department’s ability to provide access to services and programs to community members with limited English proficiency. The City has sole discretion to determine the operational need for language competencies. In making this determination, the City may consider the following:
 - a. Public contact with regular and frequent use of multilingual skills;
 - b. Multilingual skills that help the Department provide services;

- c. Position performs in a setting where there is a demonstrated public need for multilingual support.

If an employee changes roles within the City, the employee and their manager should work together to determine whether the employee's new role meets the above qualifications to continue receiving language premium pay. In some instances, premium pay may need to be addressed and potentially re-evaluated.

The City has sole discretion to eliminate premium pay for any employee should the City determine either:

1. The employee no longer demonstrates language proficiency; or
2. The employee's language proficiency no longer supports operational needs.
 - a. The City will use a data-informed process to determine if a need for translation is no longer present. This process will rely on data from the most recent organizational Language Access Needs Assessment to make this determination (ex. when the Needs Assessment reveals that a given language has fallen below the federal "safe harbor" threshold for translation). Departments should consult with the Language Access Coordinator in this process.

This Policy does not preclude the City from using persons other than employees receiving premium pay for second language communication.

C. Requesting Proficiency Testing

This section provides a high-level overview of the process for requesting proficiency testing. Employees, their managers, and Department Heads should review the most recent Standard Operating Procedure (SOP) associated with this Policy for the specific resources and steps related to this process.

An employee, the employee's manager, or the employee's Department Head may submit a request to schedule a language proficiency test. The request should include:

1. The name of the Qualified Language for which the employee wants to test;
2. A detailed explanation of how the employee's Qualified Language skills will support operational needs;
3. The employee's skillset (speaking, listening, reading, writing) that will be evaluated by the language proficiency test; and
4. The expected nature and frequency of the employee's multilingual duties.

The Language Access Coordinator will review the request to determine whether the Operational Needs requirement is met. During review, the Language Access Coordinator will consult with the employee, their manager, and/or Department Head as needed.

If all requirements are met, the Language Access Coordinator will authorize and administer a language proficiency test for the employee.

D. Testing

Language proficiency tests will be administered by the Language Access Coordinator to employees seeking to receive or maintain premium pay under this Policy. Testing may include a standardized written competency test and/or an oral examination depending on the skillset requested to be tested. Once an employee passes their proficiency test for their Qualified Language at the requisite proficiency level determined by the City, the Language Access Coordinator will notify Human Resources to make the appropriate changes to payroll. Employees who fail their initial language proficiency test or their annual retest are encouraged to retest after 6 months, or upon completion of a training program for the Qualified Language (documentation of training completion required), whichever comes first.

E. Maintaining Eligibility

An employee who wishes to maintain premium pay under this Policy must take and pass a language proficiency test for their Qualified Language on an annual basis. The employee should work with their manager or Department Head to request a renewal proficiency test. The request will be submitted and reviewed under the same procedures used for initial proficiency testing requests. Employees who do not pass their annual retest may retest according to the procedures set forth above.

F. Compensation

Regular non-represented employees who qualify for language premium pay under this Policy shall receive premium pay at a flat rate of \$2/hour in addition to their base wage. Represented employees shall receive premium pay in accordance with the terms and conditions of their CBA.

An employee's language premium pay will begin the pay period following the successful passage of their language proficiency test and receipt of results. Language premium pay applies to hours worked, including overtime, and does not apply to any leave hours or times when an employee is on leave.

G. Administration

The Language Access Coordinator is responsible for administering this Policy, including approval of any multilingual position designations and proficiency testing and certification. The Language Access Coordinator will collaborate with the Human Resources Department as necessary to ensure successful administration of this Policy. Administrative responsibilities also include a periodic review and report on the number of employees designated as multilingual under this Policy and their respective departments.

Employees with questions about this Policy should contact the City's Language Access Coordinator by emailing equity@bendoregon.gov. They can also speak with their department's assigned Human Resources Manager and their manager.



Language Assistance Services & Accommodation Information for People with Disabilities

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Lindsay Wengloski at lwengloski@bendoregon.gov or 541-323-7177. Relay Users Dial 7-1-1.



Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Lindsay Wengloski en lwengloski@bendoregon.gov o 541-323-7177. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.