

## Office of Personnel Management

### Policy

<b>Policy Title:</b> Second Language Differential	<b>Policy Number:</b> 20.05.05
<b>Citation:</b> Arkansas Annotated Code § 21-5-221	<b>Forms:</b> None

### Purpose

Arkansas law allows for agencies and institutions to request a second language differential rate of pay for employees who have demonstrated the ability and skill to communicate in a language other than English, including American Sign Language and that the skill is determined by the agency or institution to be directly related to the effective performance of the job duties for the position occupied by the employee.

### Specific Provisions

The agency or institution may request authorization for special language differential rate of pay for an individual employee of up to ten percent (10%). Payment is based upon four levels of proficiency:

- |                    |      |
|--------------------|------|
| A. Advanced        | 10%  |
| B. Fluent          | 7.5% |
| C. Intermediate    | 5.0% |
| D. Beginning/Basic | 2.0% |

The agency or institution must have the employee or prospective employee tested by an organization that can certify proficiency testing at different skill levels. The cost of the testing will be borne by the agency or institution.

Agencies and Institutions must submit a written request to the Office of Personnel Management (OPM) indicating the positions for which the duties require the skill to communicate in a language other than English, including American Sign Language. Included in the request should be the justification which states in detail the duties, responsibilities, and reasons for the second language requirement for the position. The request submitted to OPM shall contain the name and locations of testing facilities and the levels of proficiency tested at the facility and indicate whether the proficiency test is oral or written or a combination of oral and written. Copies of the documentation shall be presented to the incumbent upon completion of testing. The request shall be approved by OPM after review by the Personnel Committee of the Legislative Council.

<b>Policy Title:</b> Special Language Differential	<b>Policy Number:</b> 20.05.05
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The second language must be used at least 25% of the time in the job to be eligible for this provision.

An employee who is receiving second language differential rate of pay and moves into a position that does not require the skill to communicate in a language other than English, or whose position no longer requires the use of the skill, shall revert, on the effective date of the change, to the employee's base rate of pay.

If granting the special language differential rate of pay would exceed the maximum or the career level for the grade assigned to the employee's classification, the additional compensation shall not be considered as exceeding the maximum allowable rate for that grade.

Revised July 31, 2015