

Operational Policy

Policy title:	DHS Bilingual Proficiency Certification		
Policy number:	DHS OHA-010-015		
Original date:	September 9, 2013	Last update:	August 19, 2015
Approved:			

Purpose

To assure the language proficiency of the Department of Human Services and Oregon Health Authority employees who are currently or will be receiving bilingual pay differential for the delivery of services. To receive bilingual pay differential, employees must meet the bilingual proficiency standards.

Description

This policy describes the requirements for employee bilingual proficiency certification in DHS and OHA. The policy acknowledges DHS and OHA differ widely in the services, benefits and rights offered and their means of delivery; hence each agency may develop plans that fit their differing scales, priorities, resources and timelines. The policy: establishes requirements and roles for managing spoken and written language skills; managing and tracking bilingual designated positions and certified employees; requires spoken and written proficiency standards; allows language training.

Applicability

This policy applies to all DHS and OHA staff employees who are required to use their bilingual skills in the performance of their assigned duties (unless in conflict with the collective bargaining agreement). Bilingual skills may include oral interpretation and written translation from and into English; oral or written communication in a language other than English; or the use of sign language. Assigned duties determining eligibility for bilingual pay differential will vary for each position and be specified within the individual position description.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. DHS and OHA shall each develop bilingual proficiency certification processes to assure each agency has professional and linguistically proficient staff in duties requiring interpretation or specialized bilingual activities for the agency and its clients.

2. OHR shall provide and maintain guidance for bilingual skill designation for an employee.
 - a. Position descriptions shall indicate the requirement to perform interpretation or specialized bilingual activities for the agency or their clients.
 - b. OHR shall ensure that language proficiency data is recorded in the personnel file that will include at a minimum: name of language, spoken proficiency level, written proficiency level, date of certification (spoken), and date of certification (written).
 - c. Each agency shall coordinate with appropriate programs within the agency to maintain a list identifying commonly needed languages supporting its work.
3. DHS and OHA shall create standardized language performance measures according to each agencies' needs
 - a. All employees receiving bilingual differential pay shall be certified for oral or sign language proficiency. Written language proficiency may be required based on job responsibilities
 - b. DHS and OHA will use an independent third party assessor of language abilities to determine levels of proficiency
 - c. Failure to pass or comply with certification requirements will result in removal of differential pay.
 - d. OHR shall establish a process for bilingual evaluation and certification during recruitment of new and transferring employees.

References

- [Section 601 of Title VI of the Civil Rights Act](#)
- When Bilingual Services Required ORS 411.970 <http://www.oregonlaws.org/ors/411.970>
- Department of Health and Human Services (HHS)- [LEP Policy Guidance for HHS Recipients - http://www.gpo.gov/fdsys/pkg/FR-2003-08-08/pdf/03-20179.pdf](http://www.gpo.gov/fdsys/pkg/FR-2003-08-08/pdf/03-20179.pdf)
- [Executive Order 13166 \(EO 13166\), Improving Access to Services for Persons with Limited English Proficiency, issued Aug. 11, 2000.](#)
- [Federal Government's Renewed Commitment to Language Access Obligations under Executive Order 13166" \(AG memo\)](#)

Forms referenced

Related policies

Alternate Format language Access policy
Differential pay
ADA

Contact

Emese Perfecto
Language Access Coordinator

Policy history

Version 1 9/9/2015

Keywords

DHS Bilingual Proficiency Certification, bilingual, differential, American Sign Language, language access, interpreter, translation, language proficiency, Bilingual skills, oral interpretation, Sign Language, written translation, bilingual pay differential, bilingual proficiency certification

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