

ADDENDUM TO MEMORANDUM OF UNDERSTANDING
PROFESSIONAL ASSOCIATION COUNTY EMPLOYEES – UNIT 31

The parties agree to replace the current Bilingual Skills Pay Article within the Unit 31 MOU with the following language effective no sooner than February 17, 2025.

BILINGUAL SKILL PAY

The Director of Human Resources, in consultation with County Department Heads, will designate certain languages as eligible for bilingual certification, based on operational need. Bilingual assignments and allocations are subject to approval by the County Administrative Office (CAO's Office).

Employees who may be eligible for Bilingual Skill Pay will be certified to determine their proficiency in the specified language. Once the employee is bilingual certified through the proficiency exam, Bilingual Skill Pay will be granted upon Department Head approval and the employee's assignment to a qualifying position.

Tiers of Bilingual Certification:

1. All employees certified for any type of Bilingual Skill Pay shall be minimally certified to the County's Basic Bilingual Proficiency Requirement (BPR). Employees who currently meet the Bilingual Pay requirements, shall be grandfathered into the BPR pay effective upon implementation of this agreement.
2. A department may create and operate an Advanced BPR (ABPR) based on operational needs subject to approval by the Director of Human Resources. Employees who currently meet the Bilingual Pay requirements, shall be grandfathered into the ABPR pay effective upon implementation of this agreement through January 1, 2026.
 - a. Operational Need is defined as a critical need for linguistic skills where terminology or education is rapidly evolving and may result in potential misdiagnosis, degradation of service delivery with implications for injury, and where lacking advanced skills may cause a department to be unable to comply with statutory or contractual mandates (i.e., grant terms and conditions for cultural competency).
 - b. On presentation to, and approval by, the Director of Human Resources, each Department Head may contract with a specialized vendor with competency in advanced written and oral testing for each specified language.

Each ABPR will be outlined in written form and communicated to all employees who may be eligible for the program, along with any period of recertification, as applicable.

Bilingual Proficiency Examinations and Certification Process:

1. Bilingual skills are certified to meet the County's Basic and Advanced Bilingual Proficiency Requirement (BPR) through a formal examination process administered by an approved

vendor with a specialty in bilingual examinations. Employees shall not be required to recertify unless:

- a. They have a break in County service; or,
 - b. The department for whom they are hired and perform bilingual duties, as defined, has a department-led bilingual recertification and training program known as an ABPR.
2. Employees may submit a written request to their department personnel unit to be considered for bilingual certification. The department head or designee shall have authority to accept or reject the request for certification and may authorize the employee for assignment to either the County BPR level, or at the ABPR level provided that the department has an active and approved ABPR.

ABPR certification shall only be pursued by a department once the employee has been certified to the County BPR.

Employees may be tested and certified without being assigned to work in a Basic or Advanced Role. Only personnel who meet all conditions of the Position Designation/Eligibility clause of this article are eligible for the related pays.

3. The department shall be responsible for bilingual examination through the appropriate vendor at the department's own expense. Employees will be released on County time and travel and vehicle use shall be in accordance with Management Directive (MD) 500 (Travel) and MD 900 (County Automotive Transport). Time in transit to and from testing sites shall be County time.
4. Employees that fail the certification exam, shall have the ability to retest once more without a secondary written request to the department. If an employee fails a second time to become certified, then they may request another examination for either level of competency by submitting another written request to their department. Upon receipt of the written request, the department will review its operational needs and provide a written response to the employee within ten (10) business days. All tests approved and subsequently conducted after the second failure shall be at the employee's expense, save that travel and testing time is still County time and that said travel complies with the MD's referenced above. If, after the second failed test, an employee is directed by management to retake the exam, the department shall cover the exam costs. An employee's eligibility to retest at the County's expense resets one year after their second failed test.

Position Designation/Eligibility:

Employees may be eligible to receive Bilingual Skill Pay when all the following conditions are met:

1. The position is designated as eligible for Bilingual Skill Pay by the employee's department head or their designee and as allocated by the CAO's Office at one of the following levels:
 - a. BPR – The employee demonstrates and uses the ability to converse and translate orally to/from English to/from the second language.
 - b. ABPR – The employee demonstrates the ability to converse, read, write, and translate (orally and in writing) to/from English to/from the second language and the department has an approved ABPR. The employee must regularly demonstrate the use of said language(s). The employee is at least annually recertified to meet the department's advanced need for currency in industry jargon or in response to funding mandates or other statutes requiring such repetitive certification.
2. Upon certification, qualifying employees will be designated as qualified at BPR or ABPR; and,
3. The employee is assigned by their department to use the skill.

Bilingual Skill Pay Effective Date:

For Bilingual Skill Pay to take effect, the position must be designated at either BPR or ABPR, and the employee must be certified to the corresponding level. Bilingual Skill Pay shall be effective the pay period subsequent to all conditions being met and cannot be applied retroactively.

Pay Provisions:

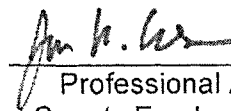
1. Bilingual Skill Pay shall be paid in the following amounts:
 - a. BPR - \$60.00 per pay period
 - b. ABPR - \$100.00 per pay period
2. Exception: Bilingual Skill Pay shall not be paid when the entire pay period consists of annual leave and/or unpaid leave.
3. Employees shall only be paid the highest rate (i.e. paid for ABPR over BPR) for which they are certified – and which the department authorizes and assigns them – and shall only receive payment for one language, regardless of the number of languages for which they are certified. The BPR and ABPR rate may not be combined in any manner.

4. If the employee transfers, demotes, or promotes to a position that is not designated as bilingual, they will no longer be eligible for Bilingual Skill Pay. Likewise, an employee transferring, demoting, or promoting to a position which is eligible for Bilingual Skill Pay will be eligible only for the level and rate authorized for said position. The County shall make every effort to place a BPR or ABPR qualified and practicing employee in a position also already qualified and allocated for a BPR or APBR. Former certification and pay will have no bearing on the new position and rate.



County of Fresno

12/11/24
Date



Professional Association
County Employees – Unit 31

12/9/2024
Date