



Tucson City Court Administrative Directive

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	ISSUE DATE October 4, 2011	REVISED DATE September 18, 2012

I. PURPOSE

To provide a process to certify Tucson City Court employees who are interested in earning 2nd Language pay for interpreting for the Spanish-speaking public. For the purposes of this policy, the second language mentioned throughout the policy is the Spanish language specifically. The Court will outsource interpreting needs for languages other than Spanish.

The Court has offered two City Departments the ability to use this certification process to ensure a higher level of competency for their employees receiving 2nd language pay. These departments are specifically, the City Prosecutor's Office and the Public Defender's Office.

II. POLICY

It is imperative that employees serving as Spanish interpreters within the Court setting have a good command of the Spanish language, more specifically, legal terms and are able to perform informal exchanges of typical conversations between a member of the public and court staff. Another aspect of the certification process is that the candidate understands the ethics and interpreter protocols. Because the Court deals with very sensitive issues that can have adverse effects on a defendant, it is imperative that the defendant fully understands their options. Employees are certified by successfully completing a 3-part program approved by Tucson City Court Human Resources Department and the City of Tucson Human Resources Department. The Judicial Services Supervisor responsible for all Interpreter needs will administer the program.

Employees receiving 2nd Language Pay interpret for defendants and the public who are requesting information either in person or over the phone. Defendants requiring an interpreter for a trial or hearing will be provided by a certified Court Interpreter.

A. **Information Packet**

A candidate interested in receiving 2nd Language Pay will be provided an information packet to study. The packet will include an information sheet entitled "Using an Interpreter" and a document listing 82 legal terms. A date



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for testing will be scheduled by the Interpreter Supervisor approximately two weeks from the date the candidate receives the testing material.

B. Ethics and Interpreter Protocol

From the information sheet entitled, "Using an Interpreter", the candidate will be required to provide at least four key elements contained within the document as to the function and ethical requirements of an interpreter.

Scoring: Each of the elements named will be worth 25 points each. In order to successfully pass this portion, the candidate must mention at least three key elements. Examples of key elements would include: not omitting information, not embellishing, no side conversations, and the use of first person when interpreting. Total number of points for this section is 100 points. Passing this section would require receiving a score of at least 75%.

C. Legal Terms

The candidate will be asked to verbally translate fifty randomly picked terms from the list of 82 legal terms. These are legal terms that are used frequently within the Court setting, therefore, imperative that the candidate is proficient at translating them consistently and correctly.

Scoring: Each term will be given a value of 2 points for a total of 100 pts. Passing this section would require receiving a score of at least 75%.

D. Conversation/Oral Interpretation

The candidate will be given a list of fifteen sentences in English to verbally translate into Spanish and fifteen sentences in Spanish to verbally translate into English. An informal exchange of an actual conversation will be held between the candidate and the supervisor administering the test. Candidates will also be asked to verbally translate the months and days of the week from English to Spanish.

Scoring: Utilizing the English and Spanish questions on the handout, an informal exchange of an actual conversation one might hear between a



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member of the public and court staff will be simulated. Each question/sentence would be given a value of 2 points. Passing this would require a score of at least 75%.

III. IMPLEMENTATION OF CERTIFICATION PROCESS

- A. The candidate requesting 2nd Language pay will begin the process by completing the form attached to this policy and submitting it to their Supervisor. The Supervisor will arrange the testing process with the Interpreter Supervisor in the Judicial Services Division.

IV. EMPLOYEES ELIGIBLE TO RECEIVE SECOND LANGUAGE PAY

- A. Employees meeting the following criteria will be eligible to receive second language pay:
1. Full-time probationary or permanent employees who use a language (Spanish) other than English for a minimum of five percent (5%) of their work week (two [2] hours per forty [40] hour work week) while interacting with the public in the performance of their duties if approved by the department director; or
 2. Full-time probationary or permanent employees who use a language (Spanish) other than English less than the five percent (5%) minimum and occupy a position specifically designated for language skills compensation by a department director and formally approved by the Human Resources Director; or
 3. Part-time probationary or permanent employees who use a language (Spanish) other than English and occupy a position specifically designated for language skills compensation by a department director and approved by the Human Resources Director.



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- B.** The following considerations must be addressed by department directors when justifying a position as a language skill compensation position:
1. The need for number of positions designated. (Two [2] or more positions within the same classification at the same location will not generally be considered essential to effective and efficient interactions with the public).
 2. The reasons the operational needs of the department for communication with the public in languages other than English cannot be effectively met by employees who use and are compensated for using a language other than English more than five percent (5%) of their work week.
 3. Whether any interactions with the public in performance of the duties of the positions are significant to assigned duties or only ancillary thereto.
 4. Whether the use of another language is essential to the effective and efficient provision of services to the public.
- C.** Designation for Second Language Pay, a position may be designated for language skills compensation only when:
1. The position is within a classification which has significant interaction with the public; and
 2. The use of a second language (Spanish) other than English is not less than five percent (5%); and
 3. The position has been justified, documented and designated by a department director as a position where the use of a second language (Spanish) is essential to interactions with the public permitting effective and efficient provision of services to the public; and,



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4. The position has been approved by the Human Resources Director for designation as a language skills compensation position.

V. ADMINISTRATION OF SECOND LANGUAGE PAY PROGRAM

Administration of this program is the responsibility of the Tucson City Court Human Resources Division, and involves the following:

- A. Confirmation that the candidate has successfully completed the Tucson City Court 2nd Language Pay 3-part Proficiency Exam. This exam includes a conversational proficiency exam along with testing of legal terms and Interpreter ethics and protocol for translating and interpreting for the public.
- B. Processing a written request form (hard copy or electronic) necessary to add or delete participants from the program, as required, based on changes in work assignments that cause employees to meet or not to meet the criteria of five percent (5%) usage of a second language.
- B. Subject to annual confirmation of all second-language positions by departments to Human Resources, once an employee has been approved for the additional compensation, the employee will continue to receive the additional compensation until such time as it is determined that the second language use has diminished to less than five percent (5%) of the work week or the employee is transferred to another position.
- D. Employees who transfer, promote or demote to different work assignments will not continue to receive the additional compensation unless the department director designates that the new position/assignment is eligible because the second language is used in the new position/assignment for a minimum of five percent (5%) of the work week or the position has been designated by a department director and approved by the Human Resources Director as a language skill compensation position.

If the new position/assignment is eligible for second language pay and the employee has been certified as conversationally proficient for purposes of this directive, the employee will not have to be re-tested, unless the



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conversation competency test for the new position is different than the test for the employee's previous position.

- E. Employees on leave without pay for greater than 10 (ten) working days, including employees on Family Medical Leave (FML) or Military Leave, will not receive language skill compensation pay. Language skill compensation pay may be reinstated upon return to work, with compensation to resume during the first full pay period after the employee has returned to work, provided that all other program requirements are met.
- F. To ensure equitable financial benefit to all full-time employees with the requisite language skills who use a second language for less than five percent (5%) of the work week, division managers shall, where possible, rotate employees through all language-designated positions.

VI. SECOND LANGUAGE PAY RATES:

<u>Employee Group</u>	<u>Amount per Pay Period</u>
Employees not eligible for representation	\$30.00
Communication Workers of America/Tucson Association of City Employees (CWA/TACE) – eligible employees (white collar)	\$30.00

REVIEW RESPONSIBILITY: The Court Administrator or designee will review this Court Administrative Directive for revision or deletion every two years or as needed.

PRESIDING MAGISTRATE

11/27/12

DATE