



Bilingual Certification Policy

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Veronica Kelley, DSW, LCSW, Director

Policy It is the policy of the Department of Behavioral Health (DBH) to provide effective, equitable, understandable, and respectful services that are responsive to the preferred languages and other communication needs of clients, their family members and the community.

Purpose To provide guidance on designation of positions and certification expectations for individuals that desire to become County-certified bilingual through the San Bernardino County Human Resources (HR) Division.

Definition(s) **Bilingual Designated Positions:** Positions that require regular and frequent use of bilingual skills defined as at least 20% of the Standard Tour of Duty time and/or perform in a setting where there is a demonstrated need for the designation.

County’s Bilingual Proficiency testing procedure: tests designed to certify proficiency to speak, read and/or write in a second language.

County-Certified Bilingual: An employee assigned to a designated position who possesses a valid Language Proficiency Certificate issued by County HR.

Interpretation: Transmission of oral communication from one language to another, including sign language.

Translation: The process of translating words or text from one language into another, including words or text into oral or written communication.

Eligibility **Bilingual Designated Positions:**
Positions designated as bilingual must meet one of the following criteria:

- Public contact with regular and frequent use of bilingual skills, which for the purpose of this policy is defined as at least 20% of the Standard Tour of Duty time, or
- Bilingual skills are necessary to provide services and essential to successful performance of job duties, or
- Position performs in a setting where there is a demonstrated need for the designation.

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Bilingual Certification Policy, Continued

Eligibility,
continued

Supervisory and managerial positions do not routinely meet the criteria above because they are not considered frequent public contact positions. However, in some situations, with the Director, Assistant Director or Deputy Director's written approval, a supervisory or managerial position may be designated as one involving significant public contact or performing administrative duties in which bilingual skills are needed and would further DBH's public service responsibility.

**Bilingual
Designation**

Positions qualifying for the bilingual designation will meet the following standards:

- Positions that meet the above eligibility criteria may be designated as bilingual by DBH Director, Assistant Director, Deputy Directors or Program Managers either prior to or after recruitment.
 - Positions pre-designated as bilingual prior to recruitment must include bilingual designation in the job announcement under desirable qualification/additional special requirements. Once the position is pre-designated as a bilingual position, hiring managers will reflect the designation on the [Request to Fill](#).
 - In the event of a new or vacated pre-designated bilingual position, the recruiting entity may request a certified list of eligible candidates for the appropriate classification, this list will only contain the names of candidates who are eligible to take the bilingual proficiency test.
 - Applicants or incumbents selected and provided with a contingent job offer for a bilingual designated position must pass a bilingual proficiency test for Level I or III administered by the County Human Resources Division to receive bilingual compensation.
 - Positions identified as bilingual, after recruitment by the hiring manager, shall have a Request for Bilingual Compensation form completed and submitted to DBH HR to request testing for bilingual proficiency for Level I or Level III.
 - Until an employee has been tested and certified they cannot be asked to use bilingual skills on the job.
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Bilingual Certification Policy, Continued

Testing

The methods used to test bilingual proficiency will be determined by the [County Human Resources Division](#).

- A DBH Program Manager or above will determine the level of skill/language for a designated bilingual position from the following options:

DBH Level I: Verbal Proficiency Test

[Request Form - Level I](#)

A verbal proficiency test for positions that have direct client/public contact. Position may also interpret simple documents in the second language.

DBH Level III: Verbal and Written Proficiency Test (Technical)

[Request Form - Level III](#) | [Justification Form - Level III](#)

A verbal and written proficiency test for behavioral health providers and positions who provide bilingual services both verbal and written using medical terminology such as the translation of diagnosis, treatment, etc.

- Bilingual proficiency testing will be administered by the County Human Resources Division or an approved third-party vendor to applicants or incumbents of a designated bilingual position.
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Stipulations

Effective Date

The effective date of the bilingual designation is the first Saturday of the pay period during which the employee passes the test. Bilingual request forms that do not coincide with the above date will be modified to comply with the standard.

In the event of a position change in which the staff member already possesses a bilingual designation, the effective date may be paid retroactively up to two (2) months from the date of receipt of the Request for Bilingual Compensation by DBH-HR for the new position.

Examination Attempt Limits

Candidates who fail the bilingual proficiency test may retake the test after six (6) months.

After a total of three (3) fails, an employee may not apply for bilingual compensation for that specific tested language.

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Bilingual Certification Policy, Continued

Stipulations, continued

One (1) fail is considered:

- A waiver of proficiency test, this includes not being available to take the test;
- A no-show once a proficiency test has been scheduled, or
- A failed attempt, completion, or score on the bilingual proficiency test.

Bilingual proficiency examinees without a County certification will not receive bilingual compensation, nor will they be allowed to use their non-English language skills on the job with clients as part of their work assignment.

New staff hired into a pre-designated bilingual position and recruited as bilingual must obtain certification prior to passing their probationary period.

Providing Bilingual Services

Employees in positions designated as bilingual who have been tested and certified as competent may be utilized to provide bilingual services to any program, unit and/or office within DBH as needed. Employees receiving bilingual compensation who decline to provide bilingual services may have their bilingual compensation revoked.

Administration

- DBH Supervisors/Program Managers are responsible for bilingual position designations and notification to employees for recertification.
 - The Supervisors/Program Managers shall survey annually all work locations with bilingual positions and confirm that the position designated to provide bilingual services meets the criteria as set forth in the Eligibility section of this policy.
 - Supervisors/Program Managers shall ensure employees who have not been tested and certified as competent in bilingual skills are not requested to provide bilingual services on the job.
 - DBH Program Managers may request a bilingual designation be removed from a position.
 - The County Human Resources Division is responsible for administering the Bilingual Proficiency test and record of County-certified bilingual positions with certified language types for DBH auditing purposes.
 - DBH programs and DBH Human Resources shall periodically review bilingual certified reports on the number, language and location of positions designated as bilingual and work with the Office of Equity and Inclusion regarding language needs.
 - Staff who are not direct clinical service providers shall not be utilized to provide bilingual services in clinical sessions regardless of approved level of bilingual compensation.
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Bilingual Certification Policy, Continued

Compensation Employees in positions designated by the appointing authority which require employees as a condition of employment to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a part of their regular duties, shall be entitled to bilingual compensation as governed by the classifications respective Memorandum of Understanding (MOU).

Related Policy or Procedure County Human Resources
• [Bilingual Compensation Procedure](#)
DBH Standard Practice Manual:
• Non-Discrimination – Section 1557 of the Affordable Care Act Policy (COM0953)
• Affordable Care Act (ACA) 1557 Grievance Procedure (COM0953-1)

Reference(s)

- Affordable Care Act 1557
- California Code of Regulations, Title 9, Chapter 11, Section 1810.110
- Welfare and Institutions Code, Section 14684 (h), 4341 (h), 5802(a)(4)
- Civil Rights Act, 1964: United States Code Section 200-d
