



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

**OFFICE OF PERSONNEL MANAGEMENT  
Administrator's Office**  
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December 16, 2014

Senator Uvalde Lindsey, Co-Chairperson  
Representative Andrea Lea, Co-Chairperson  
Uniform Personnel Classification and  
Compensation Plan Subcommittee  
Arkansas Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Dear Co-Chairs:

The Office of Personnel Management submits a request from the Disability Determination for the Social Security Administration (DDSSA) for your review:

DDSSA has requested the establishment of a plan to determine and provide differential pay for employees who demonstrate proficiency in a second language. The differential pay request is based upon Arkansas Code 21-5-221 which states:

*"A second language differential of up to ten percent (10%) may be authorized for an employee who has the demonstrated ability and skill to communicate in a language other than English, including American Sign Language, and that 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."*

The agency has submitted the following differential pay plan based on four levels of proficiency:

Advanced	10.0 %
Fluent	7.5 %
Intermediate	5.0 %
Basic	2.0 %

Proficiency determination is accomplished through employee testing provided by a preapproved third party testing facility. Additionally, the second language must be utilized **at least 25% of the time** in performing job duties. Employees receiving the differential whose job duties change and no longer require the use of the second language will no longer be eligible to receive the differential.

At the current time, DDSSA has approximately 10 employees who may be eligible to receive a second language differential if the request is approved and the employees pass the proficiency exam. However, in the future the agency intends to utilize this differential for employees who

meet the criteria and fluency requirements for the second language differential.

Since establishing an Extended Service Team in September 2009, there has been a dramatic increase in the number of claimants for whom English is a second language. The DDSSA handles claimants from several states including, but not limited to, Arizona, California, New Mexico, and Texas in addition to Arkansas. These states have a significant Spanish-speaking population. The U.S. Census Bureau collected data in 2013 which showed that 20.8% of the general population in the United States over the age of five spoke a language other than English at home, and of that population, 14.9% were classified as disabled, while 38% had no health insurance. The following is data collected from the U.S. Census Bureau regarding the states in which DDSSA finds a second-language differential most relevant:

<u>STATE</u>	<u>SPEAK LANGUAGE</u>	<u>ENGLISH SPEAKING ABILITY</u>	
	<u>OTHER THAN ENGLISH</u>	<u>"NOT WELL"</u>	<u>"NOT AT ALL"</u>
Arizona	27.0%	12.9%	5.9%
Arkansas	7.5%	17.0%	5.2%
California	43.8%	16.6%	8.4%
New Mexico	36.5%	9.1%	4.6%
Texas	34.7%	14.8%	8.9%

Due to the high volume of non-English speaking claimants, DDSSA has had to use a limited number of employees to communicate and provide vital services without adequate compensation. The agency is 100% federally funded and thus there would be no cost to the state if this request is approved.

The Office of Personnel Management has reviewed the submitted documentation by DDSSA and **recommends** the establishment of a second language pay differential plan. Your consideration of this request is appreciated.

Sincerely,



Kay Terry  
State Personnel Administrator



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Chief Fiscal Officer of the State

KBT/sd:1-2

NOV 25 2014

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Date



MIKE BEEBE  
Governor

November 19, 2014

**STATE OF ARKANSAS**  
*Disability Determination for Social Security Administration*

701 SOUTH PULASKI STREET  
LITTLE ROCK, ARKANSAS 72201-9750  
TELEPHONE 501-682-3030

ARTHUR BOUTIETTE  
Director

Kay B. Terry, State Personnel Administrator  
Department of Finance and Administration  
1509 West Seventh Street, Suite 205  
Little Rock, AR 72203-3278

Dear Kay:

Since establishing an Extended Service Team at Arkansas Disability Determination for the Social Security Administration (DDSSA) in September of 2009, we have seen a dramatic increase in the number of claimants for whom English is a second language. We adjudicate disability claims from Arkansas, as well as several states, including but not limited to Arizona, California, New Mexico and Texas, all of which have large Spanish-speaking populations.

In 2013, the U.S. Census Bureau collected data from the 2011 American Community survey, the primary source of language data, and issued a publication that provides several tables of relevant statistics. According to the U.S. Census Bureau statistics, 20.8% of people over the age of five spoke a language other than English at home, and of that population 14.9% was classified as disabled, while 38% had no health insurance coverage.

More importantly, when considering only those 14.9% categorized as having a disability, 52.8% of Spanish-speakers and 54.4% of non-English/non-Spanish speakers were considered to speak English "less than 'very well.'" In regards to the 38% of non-English speakers who were uninsured, 59.1% of Spanish-speakers and 50.1% of non-English/non-Spanish-speakers spoke English "less than 'very well.'"

In the same publication, a separate table showed the language spoken at home and English-speaking ability by state. The chart on the next page shows those statistics for the states referenced above.

State	Spoke a language other than English at home	English-speaking ability	
		Spoke English "not well"	Spoke English "not at all"
Arizona	27.0%	12.9%	5.9%
Arkansas	7.5%	17.0%	5.2%
California	43.8%	16.6%	8.4%
New Mexico	36.5%	9.1%	4.6%
Texas	34.7%	14.8%	8.9%

Due to a limited number of bilingual speaking employees at the DDSSA, those employees that can speak a second language have had to undertake much of the responsibility for communicating with claimants with limited English proficiency, and have dedicated a significant amount of time to serving their needs. These duties include answering claimants' questions about the status of their case, scheduling medical examinations, and requesting additional information from claimants. Due to the time-sensitive nature of disability claims, quick and efficient communication is essential, and bilingual employees provide a vital service to claimants that do not speak English.

DDSSA is requesting permission to use a second language differential for bilingual employees, who are not currently being compensated for their ability to communicate with non-English speaking claimants. Prior to compensating bilingual employees, we understand that both oral and written aptitude tests must be administered by a third-party organization that can certify proficiency testing at different skill levels. The results of the proficiency test will determine the amount (up to 10%) of the special language differential rate of pay that may be applied to that employee. Listed below are a breakdown of the different skill levels and the rate of pay associated with each.

- Advanced 10.00%
- Fluent 7.50%
- Intermediate 5.00%
- Beginning/Basic 2.00%

Furthermore, because the Arkansas DDSSA is a federally funded state agency, the costs associated with both language proficiency testing and elevated employee salaries will be funded through the agency's federal budget.

Currently, DDSSA has approximately ten employees, in different classifications, which are bilingual; however, if the second language differential is approved for use at our agency, we would like the flexibility to have other bilingual employees tested for the opportunity to qualify for this differential. We also understand that employees will revert to their base rate of pay should they move into a position that does not require the use of their second language skills or should their current position no longer require using their skills more than 25% of the time.

The Arkansas DDSSA is not authorized to apply any other compensation differentials; therefore, there is no possibility of an employee's cumulative total of compensation differentials exceeding 25% of their 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 (Arkansas Annotated Code §21-5-221).

As the Arkansas DDSSA continues to grow, we must respond to the changing needs of not only the general population, but also our employees. I hope you will consider the request favorably, and please do not hesitate to call me for any additional assistance or information I can provide.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur Boutiette".

Arthur Boutiette  
Agency Director