



Department of Finance and Administration

OFFICE OF PERSONNEL MANNAGEMENT
Administrator's Office
1509 West Seventh Street, Suite 201
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1823
www.dfa.arkansas.gov/personnel-management

May 14, 2019

Senator David Wallace, Co-Chairperson
Representative Jim Wooten, Co-Chairperson
Uniform Personnel Classification and
Compensation Plan Subcommittee
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas

Dear Co-Chairs:

The Office of Personnel Management (OPM) submits a second language compensation differential request from the Arkansas Department of Labor (ADL) in accordance with ACA §21-5-221 (j).

The Arkansas Department of Labor requests the establishment of a second language differential for the remainder of Fiscal Year 2019 based on the following levels of proficiency:

- | | |
|----------------------|-------|
| A. Advanced | 10.0% |
| B. Fluent | 7.5% |
| C. Intermediate | 5.0% |
| D. Beginning / Basic | 2.5% |

Individuals receiving the differential must pass oral and written proficiency examinations. 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 receive the differential. A second language compensation differential is not considered part of an employee's base pay. ADL estimates that these differentials would currently effect two incumbents. The anticipated maximum cost, inclusive of the cost to take the test, would be approximately \$1,459.45 for the final five pay periods of the fiscal year.

RECOMMENDATION

The Office of Personnel Management has reviewed this request from the Arkansas Department of Labor and consequently recommends approval of a second language compensation differential for the remainder of Fiscal Year 2019 and recommends continuation of this second language compensation differential into Fiscal Year 2020. ADL guarantees our office that it possesses sufficient funding to support this second language compensation differential request.

Senator David Wallace, Co-Chairperson
Representative Jim Wooten, Co-Chairperson
May 14, 2019
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Your approval of this request is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Kay Barnhill" followed by a stylized flourish.

Kay Barnhill
DFA State Personnel Administrator

A handwritten signature in blue ink that reads "Carol Haugen".

Chief Fiscal Officer of the State

MAY 03 2019

Date

KB/jlh: 1-2



STATE OF ARKANSAS

ARKANSAS DEPARTMENT OF LABOR

10421 WEST MARKHAM • LITTLE ROCK, ARKANSAS 72205-2190
(501) 682-4500 • Fax: (501) 682-4535 • TDD: (800) 285-1131

To: Ms. Kay Barnhill
State Personnel Administrator

From: Leon Jones, Jr.
Director

Date: March 14, 2019

Subject: Second Language Pay Differential Request:
Administrative Analyst, Position #22093960
Administrative Specialist III, Position #22093950



The Arkansas Department of Labor (ADL), Labor Standards Division is responsible for enforcing wage and hour laws to include the Arkansas Minimum Wage Act (AMWA) and the regulations pertaining to child labor. Since 2007, ADL has seen a rise in AMWA cases and claims spiking to 25% from the Hispanic workforce. The Federal Bureau of Legislative Research published reports indicating Hispanic employees up to 160,000 Hispanic workers are employed full or part time in Arkansas. These two positions assist all Hispanic speaking constituents that contact the agency. The Administrative Analyst and the Administrative Specialist III job duties and the current workload these employees are spending at least 30% of their workweek using their bilingual skills on behalf of the Agency. Therefore we are requesting approval of Special Language Pay Differentials for the positions.

Both positions are within the Labor Standards Division which receives daily calls, walk in traffic and written complaints to the division to ask for information regarding the labor laws. Labor Standards experiences 1,000 to 1,250 calls per month regarding the laws. Up to 20% of the calls are from Hispanic workers and employers requesting information regarding the AMWA. The Administrative Analyst and the Administrative Specialist III provide interpretive services to the wage claim hearing officer for translating testimony during claim hearings. Currently this division has 15% of its current caseload involving Hispanic worker where translation services are necessary from the beginning of the investigation until the final disbursement of wages. The job descriptions and job postings for these positions includes the preferred qualification of the ability to speak Spanish.

Other divisions also utilize these positions that need translation services. The employees provide translation services to field investigators in Labor Standards, AOSH/Amusement, OSHA Consultation and Code Enforcement. They also translate correspondence received in Spanish and translate to English for our legal division.

Working with our partners at the US Department of Labor through our memorandum of understanding, the labor standards division attends monthly meetings at the Mexican Consulate in Little Rock. The Administrative Analyst and Administrative Specialist III give presentations in Spanish to the attendees and assist with filling out claim forms, and refer the attendees to the appropriate regulatory entity. This also includes converting written rules and topics to be discussed into Spanish for distribution during the presentations. Our presentations include the wage claims process, employer compliance with the labor laws, child labor and how to file complaints and claims with the department.



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In the past the agency has reached out to advocacy groups for assistance in translations when no staff was available. These types of services require advanced notification and cost as much as \$2,000.00 per day. The service has been unreliable due to the agency being unable to contact those groups to translate on a moment's notice. In addition, advocacy groups were unwilling to travel to speak or assist investigators during investigations; we also notice sometimes when certain groups did provide assistance they would use bias statements to affect the answers given by workers which created issues with the investigation process. With bias statements from other advocacy group, it has become crucial that the agency have employees who we can depend on at a moment's notices. The Administrative Analyst and the Administrative Specialist III have become the prime contacts for advocacy groups such as the Interfaith Council, Northwest Justice center for questions relating to labor or to request services offered by the division to Hispanic workers.

ADL is also requesting approval to pay for testing which is \$100 for each position and the testing is offered in two parts; please see the attached information of the testing process. Upon completion of the testing the Second Language differential pay will be determined based on the OPM guidelines.

The proficiency level is established to compensate based upon the testing scores, Advanced 10%, Fluent 7.5% and Intermediate 5.0%. The financial impact to our agency for the remainder of the fiscal year will be based on the proficiency level of the Administrative Analyst and the Administrative Specialist III. The range for the remaining fiscal year is \$4,125 to \$8,251. This includes the cost for testing and the differential pay for both positions. Also attached is Certification of Funding Forms for each position.

Thank you for your consideration in this matter. If you have questions please feel free to contact me at 501.682.4541

Regards,

A handwritten signature in black ink, appearing to read "L. Jones", with a long, sweeping horizontal line extending to the right.

Leon Jones, Jr.
Director

Jamie Hillman 106430						
	Current Salary	Requested Salary	Change	Benefits (26%)	Actual Salary	Budget Impact
5.0%	\$36,154.98	\$37,962.29	\$1,807.31	\$469.90	\$38,432.19	\$2,277.21
7.5%	\$36,154.98	\$38,866.15	\$2,711.17	\$704.90	\$39,571.06	\$3,416.08
8.5%	\$36,154.98	\$39,227.70	\$3,072.72	\$798.91	\$40,026.60	\$3,871.62
10.0%	\$36,154.98	\$39,770.02	\$3,615.04	\$939.91	\$40,709.93	\$4,554.95
Anabel Grunauer 124815						
5.0%	\$29,336.32	\$30,803.14	\$1,466.82	\$381.37	\$31,184.51	\$1,848.19
7.5%	\$29,336.32	\$31,536.54	\$2,200.22	\$572.06	\$32,108.60	\$2,772.28
8.5%	\$29,336.32	\$31,829.91	\$2,493.59	\$648.33	\$32,478.24	\$3,141.92
10.0%	\$29,336.32	\$32,269.95	\$2,933.63	\$762.74	\$33,032.70	\$3,696.38



**Department of Finance & Administration
Office of Budget**

FORM PACERT

CERTIFICATION OF FUNDING FOR PERSONNEL ACTIONS

Agencies must complete this form for personnel actions involving director's discretion under the Uniform Classification & Compensation Act for either incumbents or new hires. By completing this form, your agency certifies that sufficient agency funds exist and are available during the current fiscal year, and are expected to be available on an ongoing basis, to cover the requested salary adjustment. Agencies requesting discretionary increases will not be eligible for additional Merit Adjustment Fund disbursements to cover the costs of such increases. For adjustments affecting more than one position, please attach a spreadsheet with the information below listed for each position. A signed copy of this form must be attached.

1. Business Area/Agency:		0800/Department of Labor	
2. Type of Action Requested:		Director's Discretion-Incumbent	
3. Employee Name:		Jamie Hillman	
4. Employee Personnel Number (if any):		106430	
5. Position Number:		22093960	
6. Job Title:		Administrative Analyst	
7. Class Code:	C037C	8. Grade:	GS006
9. Current Salary:		\$ 36,155	
10. Requested Salary:		\$ 39,770	
11. Change in Salary:		\$ 3,615	
12. Change in Personal Services Match:		\$ 940	
13. Total Budgetary Impact:		\$ 4,555	
14. Fund Center:			
15. Cost Center:			
16. Funding Source:			
17. Current Budget for Appropriation:			
18. Certified Funding for Appropriation:			

Justification:

The Administrative Analyst is within the Labor Standards Division which receives daily calls, walk in traffic and written complaints to the division to ask for information regarding the labor laws. Labor Standards experiences 1,000 to 1,250 calls per month regarding the laws. Up to 20% of the calls are from Hispanic workers and employers requesting information regarding the AMWA. The Administrative Analyst provide interpretive services to the wage claim hearing officer for translating testimony during claim hearings. Currently this division has 15% of its current caseload that involving Hispanic worker where translation services are necessary from the beginning of the investigation until the final disbursement of wages.

By signing this document, I certify that sufficient agency funds are available to support this request without impacting other programs or services. I also acknowledge that funding for this action will not be made available from the Merit Adjustment Fund.

L.S. Sn

Agency Director

3.14.19

Date



**Department of Finance & Administration
Office of Budget**

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1. Business Area/Agency:	0800/Department of Labor		
2. Type of Action Requested:	Director's Discretion-Incumbent		
3. Employee Name:	Anabel R. Grunauer		
4. Employee Personnel Number (if any):	124815		
5. Position Number:	22093950		
6. Job Title:	Administrative Analyst		
7. Class Code:	C056C	8. Grade:	GS04
9. Current Salary:			\$ 29,336
10. Requested Salary:			\$ 32,270
11. Change in Salary:			\$ 2,934
12. Change in Personal Services Match:			\$ 763
13. Total Budgetary Impact:			\$ 3,696
14. Fund Center:			
15. Cost Center:			
16. Funding Source:			
17. Current Budget for Appropriation:			
18. Certified Funding for Appropriation:			

Justification:

The Administrative Specialist III is within the Labor Standards Division which receives daily calls, walk in traffic and written complaints to the division to ask for information regarding the labor laws. Labor Standards experiences 1,000 to 1,250 calls per month regarding the laws. Up to 20% of the calls are from Hispanic workers and employers requesting information regarding the AMVA. The Administrative Specialist III provide interpretive services to the wage claim hearing officer for translating testimony during claim hearings. Currently this division has 15% of its current caseload that involving Hispanic worker where translation services are necessary from the beginning of the investigation until the final disbursement of wages.

By signing this document, I certify that sufficient agency funds are available to support this request without impacting other programs or services. I also acknowledge that funding for this action will not be made available from the Merit Adjustment Fund.

Agency Director

3.14.19

Date