



## Division of Higher Education

423 Main Street, Suite 400 • Little Rock, Arkansas • 72201-3818 • (501) 371-2000 • Fax (501) 371-2001

Johnny Key  
Secretary

Maria Markham, Ph.D.  
Director

December 27, 2019

The Honorable David Wallace, Chair  
The Honorable Jim Wooten, Chair  
Arkansas Legislative Council-Personnel Subcommittee  
State Capitol Building  
Little Rock, AR 72201

Dear Senator Wallace and Representative Wooten:

The Division of Higher Education (DHE) submits a request from University of Arkansas at Fayetteville (UAF) for your review. UAF has requested the second language plan differential to determine and provide differential pay for several employees who have demonstrated proficiency in a second language. The differential pay request is based upon ACA §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 of institution to be directly related to the effective performance of the job duties for the position occupied by the employee.”*

The institutions has submitted the following differential pay plan for this request based on four levels of proficiency:

Advanced	10%
Fluent	7.5%
Intermediate	5%
Beginning/Basic	2.5%

As required, the request contains the name and location of the testing facility, the levels of proficiency tested at the facility and indicates if the proficiency test was oral or written or a combination of both. Additionally, the second language must be utilized at least 25% of the time in performing job duties. According to UAF, the employees will be expected to speak Spanish at least 50% of the time interacting with applicants, campus employees and visitors to the UAF campus. Employees receiving the differential whose

job duties change and no longer require the use of the second language will cease to receive the differential. According to UAF, the employee understand this possible outcome.

**JUSTIFICATION:**

University of Arkansas at Fayetteville has requested a differential of 10% for the first four positions and employees and a 5% for the last position and employee listed below:

R029C	Roberto (Bobby) Sucre	Human Resources Recruiter	C116
S069C	Abner Sosa	Radio Dispatch Operator	C107
T090C	Manuel Victorino	Parking Control Officer	C105
C078C	Daniel Carmona Mendez	Cashier	C108
T090C	Lydia Willits	Parking Control Officer	C105

These employees are needed in order to communicate with Spanish speaking temporary employees, contracted cleaning workers, faculty/staff, applicant interviews/recruiting and translation for students and campus visitors. These skills are needed at different times and in different numbers. Need may depend upon the time of the year or when our customers have the greatest need. The need for a Spanish speaking person on campus is something that is utilized each week, and at times it is needed each day to properly serve our clientele.

**RECOMMENDATION:**

The Division of Higher Education has reviewed the submitted documentation by the University of Arkansas at Fayetteville and recommends the institution's request for approval of the second language pay differential plan for the above mentioned employees and classifications.

Your consideration of this request is appreciated.

Sincerely,



Maria Markham  
Director



# UNIVERSITY OF ARKANSAS.

July 6, 2019

Human Resources

Dr. Maria Markham, ADHE  
423 Main ST, STE 400  
Little Rock, AR 72201

Dear Dr. Markham:

Pursuant to 21-5-1412 (i) (1) of Act 599 of 2017, the University of Arkansas requests a Second Language Differential of 10% for employee Roberto Sucre, a current Human Resources Recruiter (R029C, Grade C116). The 10% differential would move Mr. Sucre's salary from \$30,713 to \$33,784. Mr. Sucre's second language is Spanish.

As documented in Mr. Sucre's attached position description, his job duties include the following:

- Screening, interviewing, and selecting Spanish speaking candidates and translating recruitment materials for our temporary employment program (60% of total job duties)
- Translating materials and assisting coworkers and other departments with Spanish speaking employee and potential employee issues and interactions (25% of total job duties)

Please note, Mr. Sucre had an approved language differential on his previous position, HR Specialist.

The following assessment was conducted on Mr. Sucre:

Testing Facility: University of Arkansas Department of World Languages, Literatures & Cultures

Location: Fayetteville, Arkansas

Levels of Proficiency Tested at the Facility: Beginning, Intermediate, Advanced, Superior

Test Format: Oral proficiency interview

Testee: Roberto Sucre

Proficiency Level: Advanced/Superior

Information about the assessment and a description of proficiency levels available at:

[https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012\\_FINAL.pdf](https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf)

Assessment conducted by: Dr. Rebecca K. Foote ([rebeccaf@uark.edu](mailto:rebeccaf@uark.edu)), Assistant Professor of Spanish

Mr. Sucre tested at the **Advanced/Superior Level** on this assessment. I have attached an email from Dr. Foote documenting the results.

Please let me know if you need additional information to process this differential request. Thank you for your attention to this matter.

Sincerely,

Lisa H. Milam  
Director, Recruitment and Workforce Management

September 9, 2019

Dr. Maria Markham, ADHE  
423 Main ST, STE 400  
Little Rock, AR 72201

Dear Dr. Markham:

Pursuant to 21-5-1412 (g) (1) of Act 763 of 2019, the University of Arkansas requests a Second Language Differential of 10% for employee Abner Sosa, a current Radio Dispatch Operator (S069, Grade C107). The 10% differential would move Mr. Sosa's salary from \$22,759 to \$25,035. Mr. Abner Sosa's second language is Spanish.

As documented in Mr. Abner Sosa's attached position description, his job duties include the following:

- Primary two-way radio operator for transit bus drivers, paratransit van drivers and parking controllers (35%).
- Receives and initiates telephone calls of routine and emergency nature, transferring calls and taking messages.(30%)

The following assessment was conducted on Mr. Abner Sosa:

Testing Facility: University of Arkansas Department of World Languages, Literatures & Cultures

Location: Fayetteville, Arkansas

Levels of Proficiency Tested at the Facility: Beginning, Intermediate, Advanced, Superior

Test Format: Oral proficiency interview

Testee: Abner Sosa

Proficiency Level: Advanced/Superior

Information about the assessment and a description of proficiency levels available at:

[https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012\\_FINAL.pdf](https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf)

Assessment conducted by: Dr. Rebecca K. Foote ([rebeccaf@uark.edu](mailto:rebeccaf@uark.edu)), Assistant Professor of Spanish

Mr. Abner Sosa tested at the **Advanced/Superior Level** on this assessment. I have attached an email from Dr. Foote documenting the results as well as justification from Gary Smith, Director of the University of Arkansas' Department of Parking and Transit.

Please let me know if you need additional information to process this differential request. Thank you for your attention to this matter.

Sincerely,

Wa'Nika Smith  
Sr. Total Rewards Analyst

September 18, 2019

Dr. Maria Markham, ADHE  
423 Main ST, STE 400  
Little Rock, AR 72201

Dear Dr. Markham:

Pursuant to 21-5-1412 (g) (1) of Act 763 of 2019, the University of Arkansas requests a Second Language Differential of 10% for employee Manuel Victorino, a current Parking Control Officer (T090, Grade C105). The 10% differential would move Mr. Victorino's salary from \$22,106 to \$24,317. Mr. Manuel Victorino's second language is Spanish.

As documented in Mr. Manuel Victorino's attached position description, his job duties include the following:

- Primary in person contact for customer service. Provides parking assistance by giving directions and explaining parking regulations to students, employees and visitors to UA campus.(55%).

The following assessment was conducted on Mr. Manuel Victorino:

Testing Facility: University of Arkansas Department of World Languages, Literatures & Cultures

Location: Fayetteville, Arkansas

Levels of Proficiency Tested at the Facility: Beginning, Intermediate, Advanced, Superior

Test Format: Oral proficiency interview

Testee: Manuel Victorino

Proficiency Level: Advanced/Superior

Information about the assessment and a description of proficiency levels available at:

[https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012\\_FINAL.pdf](https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf)

Assessment conducted by: Dr. Rebecca K. Foote ([rebeccaf@uark.edu](mailto:rebeccaf@uark.edu)), Assistant Professor of Spanish

Mr. Manuel Victorino tested at the **Advanced/Superior Level** on this assessment. I have attached an email from Dr. Foote documenting the results as well as justification from Gary Smith, Director of the University of Arkansas' Department of Parking and Transit.

Please let me know if you need additional information to process this differential request. Thank you for your attention to this matter.

Sincerely,

Wa'Nika Smith  
Sr. Total Rewards Analyst

July 9, 2019

Dr. Maria Markham, ADHE  
423 Main ST, STE 400  
Little Rock, AR 72201

Dear Dr. Markham:

Pursuant to 21-5-1412 (g) (1) of Act 763 of 2019, the University of Arkansas requests a Second Language Differential of 10% for employee Daniel Carmona Mendez, a current Cashier (C078C, Grade C108). The 10% differential would move Mr. Sucre's salary from \$23,086 to \$25,395. Mr. Carmona Mendez's second language is Spanish.

As documented in Mr. Carmona Mendez's attached position description, his job duties include the following:

- Primary in-person contact for customer service. Greets customers and evaluates their needs. Possesses an extensive knowledge of the campus parking regulations and is able to explain them to customers (35%).
- Responsible for security of customer service/cashier area. Performs general office duties including: daily filing, processing appeals, scanning ADA documentation and bills of sale into accounts (35%)

The following assessment was conducted on Mr. Carmona Mendez:

Testing Facility: University of Arkansas Department of World Languages, Literatures & Cultures

Location: Fayetteville, Arkansas

Levels of Proficiency Tested at the Facility: Beginning, Intermediate, Advanced, Superior

Test Format: Oral proficiency interview

Testee: Daniel Carmona Mendez

Proficiency Level: Advanced/Superior

Information about the assessment and a description of proficiency levels available at:

[https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012\\_FINAL.pdf](https://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf)

Assessment conducted by: Dr. Rebecca K. Foote ([rebeccaf@uark.edu](mailto:rebeccaf@uark.edu)), Assistant Professor of Spanish

Mr. Carmona Mendez tested at the **Advanced/Superior Level** on this assessment. I have attached an email from Dr. Foote documenting the results as well as justification from Gary Smith, Director of the University of Arkansas' Department of Parking and Transit.

Please let me know if you need additional information to process this differential request. Thank you for your attention to this matter.

Sincerely,

Dr. Patrick M. Gallagher  
Assistant Director, Classification and Compensation

December 17, 2019

Dr. Maria Markham, ADHE  
423 Main ST, STE 400  
Little Rock, AR 72201

Dear Dr. Markham:

Pursuant to 21-5-1412 (g) (1) of Act 763 of 2019, the University of Arkansas requests a Second Language Differential of 5% for employee Lydia Willits, a current Parking Control Officer (T090, Grade C105). The 5% differential would move Ms. Willits salary from \$22,106 to \$23,211. Ms. Lydia Willits' second language is Spanish.

As documented in Ms. Lydia Willits' attached position description, her job duties include the following:

- Primary in person contact for customer service. Provides parking assistance by giving directions and explaining parking regulations to students, employees and visitors to UA campus.(55%).

The following assessment was conducted on Ms. Lydia Willits:

Testing Facility: University of Arkansas Department of World Languages, Literatures & Cultures

Location: Fayetteville, Arkansas

Levels of Proficiency Tested at the Facility: Beginning, Intermediate, Advanced, Superior

Test Format: Oral proficiency interview

Testee: Lydia Willits

Proficiency Level: Intermediate

Information about the assessment and a description of proficiency levels available at: [5](#)

Assessment conducted by: Dr. Rebecca K. Foote ([rebeccaf@uark.edu](mailto:rebeccaf@uark.edu)), Assistant Professor of Spanish

Ms. Lydia Willits tested at **Intermediate** on this assessment. I have attached an email from Dr. Foote documenting the results as well as justification from Gary Smith, Director of the University of Arkansas' Department of Parking and Transit.

Please let me know if you need additional information to process this differential request. Thank you for your attention to this matter.

Sincerely,

Wa'Nika Smith  
Sr. Total Rewards Analyst