



Division of Higher Education

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Johnny Key
Secretary

Maria Markham, Ph.D.
Director

July 7, 2022

The Honorable Senator David Wallace, Chair
The Honorable Representative David Hillman, Chair
Arkansas Legislative Council – Personnel Subcommittee
State Capitol Building
Little Rock, AR 72201

Dear Senator Cooper and Representative
Eaves:

The Arkansas Department of Higher Education (ADHE) submits a request from the University of Arkansas Division of Agriculture (UADA), for your review. UADA has requested the second language plan differential pay to determine and provide differential pay for an employee who has 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 or institution to be directly related to the effective performance of the job duties for the position occupied by the employee.”

The institution 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 UADA, the employee will be expected to speak Spanish 75% of the time in this job. 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 UADA the employee understands this possible outcome.

UADA has requested the second language differential of Grade C108/Coop Extension Services (CES) Program Assistant C077C for incumbent Ms. Jacqueline Silva in the Expanded Food and Nutrition Education Program (EFNEP). The institution has submitted documentation relating to Ms. Pena's proficiency testing by Arkansas Spanish Interpreters & Translators on June 10, 2022; Ms. Silva tested at the fluent level. If approved, this level of proficiency is eligible for a 7.5% differential.

The Arkansas Department of Higher Education has reviewed the submitted documentation by the UADA and recommends the institution's request for approval of the second language pay differential plan for Ms. Jacqueline Silva.

Your consideration of this request is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Maria Markham".

Maria Markham
Director

Pamela Anderson (ADHE)

Subject: FW: Language Differential
Attachments: 6-10 Jacqueline Silva.pdf; Jacqueline Silva.docx

From: Bridget Fortenberry
Sent: Friday, July 1, 2022 11:03 AM
To: Pamela Anderson (ADHE)
Cc: Jill Williams; Jamie Bentley; Matt Brown; Christina Miller
Subject: Language Differential

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [DHE.Help.Desk](#).

Pamela,

Good morning. The University of Arkansas System Division of Agriculture would like to request a second language differential for Jacqueline Silva. Ms. Silva's letter with additional information and testing score is attached.

Please feel free to reach out to me if you have any questions or concerns.

Thank you,

Bridget Fortenberry
Assistant VP - CHRO
UofA System Division of Agriculture
2301 South University Avenue
Little Rock, AR 72204

TO: Arkansas Department of Higher Education

FROM: Bridget Fortenberry

Chief Human Resources Officer

UA System Division of Agriculture

SUBJECT: Second Language Differential – Jacqueline Silva

DATE: July 1, 2022

In accordance with the guidelines for Second Language Differential as established in Arkansas Annotated Code § 21-5-221, the UA System Division of Agriculture is requesting approval of a 7.5% differential rate of pay for Jacqueline Silva based upon a Fluent level (Average of 91%) of proficiency in the oral and written Spanish language. Arkansas Spanish Interpreters and Translators (P.O. Box 55928, Little Rock, AR 72215) was responsible for the oral and written Spanish Language testing for Ms. Silva. Ms. Silva completed the tests on June 10, 2022. Documentation is attached.

The title of Ms. Silva's position is CES Program Assistant. Ms. Silva will be using Spanish at least 75% of the time in this job. Ms. Silva understands that this differential compensation would be removed if she were to move into a position which does not require communication in Spanish.

Jacqueline Silva is a CES Program Assistant in the EFNEP (Expanded Food and Nutrition Education Program). She has reported using her translating skills about 75-80% of the time especially working on flyers for classes and when recruiting out in the community and 100% of the time during classes. She's able to create relationships with the Spanish speaking community to help with their needs and give them nutritional information to help them and their families. Her skill makes her more effective in her job to reach an audience that would otherwise not be reached.

You may contact me if you need additional information. Thank you for your help in securing Second Language Compensation for Ms. Jacqueline Silva.

Regards,

Bridget Fortenberry

Chief Human Resources Officer

UA System Division of Agriculture

2301 S University Ave

Arkansas Spanish Interpreters & Translators

P.O. Box 55928
Little Rock, AR 72215

TELEPHONE 501-312-1300
FAX 501-312-0077
Interpreters@ARSpanish.com

SPANISH INTERPRETER I FLUENCY WRITTEN/ORAL EXAMINATION EVALUATION FORM

CANDIDAT: Jacqueline Silva COMPANY/AGENCY: University of Arkansas — Cooperative extension Services PHONE: 479-387-5343 TEST DATE: 6-10-2022
PO # 1000058961

WRITTEN & ORAL EXAMINATION - TRANSLATION

ADVANCED (1 - 1/2 errors)	FLUENT (1- 2 errors)	INTERMEDIATE (3- 4 errors)	BEGINNING/BASIC (5+ errors)
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Ability to translate

Subtotal: 3 /4= 89 %

Oral

Ability to Interpret

Subtotal: 2 /4= 92 %

Written/Oral Overall Total (Average of Subtotals)

Written Ability: ☐ **Fluent** ☒ **Intermediate** ☐ **Beginning** ☐ **Below**
90% - 100% 75% - 89% 60% - 74% 50% or less

Oral Ability: ☒ 90%-100% ☐ 75%-89% ☐ 60%-74% ☐ 50% or less

91%

Comments: On the written portion, few grammatical errors were found,
However, the translation is comprehensible. As for the verbal
assessment, Jacqueline demonstrated proficiency interpreting from both pairs of
languages.

EXPLANATION OF RESULTS

Oral Score

60-74% _____

75-79% _____

80-84% _____

85-89% _____

90-100% X

Communication Abilities

Greet and set appointments; give directions, simple conversations, explain basic rules.
Needs more knowledge of the English language

Explain basic procedures, conduct simple interviews,

Fluent at Elementary School Level. Needs more vocabulary at high school and professional level.

Conduct interviews at a High School Level; needs more professional vocabulary

Interview at a Professional Level

Professional Level at all tasks

Written Score

Translating Abilities

Did not Pass _____

Beginner _____

Beginner _____

Do not use for any written translations

Can translate notes with many grammatical, syntax, and vocabulary errors.
Should not translate any written documents, flyers, forms or letters.

Intermediate

 X

Can translate documents at an Elementary School Level with a maximum of four grammatical, syntax, vocabulary errors and omissions.

Proficient

Can translate all written documents with a maximum of two grammatical, syntax, vocabulary errors and omissions.

Tester: Benjamin Tobón, Interpreter/Translator