

RESOLUTION No. 37525

Establish a language pay differential for multilingual City employees and authorize the Bureau of Human Resources and the Office of Equity and Human Rights to establish processes and procedures necessary for implementation (Resolution)

WHEREAS, according to most recent data from the Census, 19.4% (well over 117,000 people 5 yrs. and over) of Portland's population speaks a language other than English at home, and 8.1% (well over 49,000 people 5 yrs. and over) of the city's population speak English less than "very well" and, therefore, an increasing number of Portland community members experience institutional language barriers; and

WHEREAS, a language-based phone survey conducted in November 2019 as part of the City of Portland's development of a new 311 integrated customer service program found that 66% of respondents, Portland residents who primarily spoke Spanish, Vietnamese, and Chinese, had never contacted the City and cited language barriers as the top reason; and

WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the City of Portland is responsible for taking reasonable steps to provide equitable and meaningful access to its programs, services, activities, and communications to members of the public who have limited English proficiency and experience institutional language barriers; and

WHEREAS, the COVID-19 pandemic has disproportionately affected communities that already experience institutional barriers and systemic oppression, and immigrant and refugee communities are among those groups most impacted. The regional scope of the response made clear the importance of centering language equity and providing emergency assistance in the increasingly numerous languages spoken by community members in our region; and

WHEREAS, multilingual City of Portland employees are currently providing language assistance to the public without being compensated; this is a workplace equity issue that needs to be rectified; and

WHEREAS, adopting a language pay differential policy supports the City of Portland's effort to be an "Employer of Choice" in attracting, developing and retaining a diverse, culturally competent, and fully engaged workforce; and

WHEREAS, increasing the number of City staff who can connect with community members and/or fellow City staff whose primary language is not English and experience institutional language barriers, and paying the staff for the skills they bring to the

workforce, demonstrates a proactive effort to comply with Title VI national origin non-discrimination obligations; and

WHEREAS, establishing a language pay differential policy is in alignment with adopted City Core Values and Racial Equity Goals which commit the institution to eliminating racial disparities in city government and strengthening public engagement with communities of color and immigrant and refugee communities; and

WHEREAS, on November 12, 2020 Resolution No. 37516 was adopted by City Council to establish the City's Language Access Program and the City's first Language Access Policy; and

WHEREAS, City Council recognizes the language pay differential is a mandatory subject of bargaining and supports the Bureau of Human Resources process to notice this opportunity to unions and enter into bargaining if required.

NOW THEREFORE BE IT RESOLVED, City Council authorizes the establishment of the language pay differential for multilingual employees, in accordance with Exhibit A, to go into effect July 1, 2021 on a pilot basis; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources and the Office of Equity and Human Rights are responsible for developing and implementing this policy and providing technical assistance to the bureaus; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources is directed to work with the City's Procurement Services to contract with a certified language proficiency testing agency and to provide central coordination of the language proficiency testing process; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources is directed to lead a committee of City employees, that shall include Equity Managers and Office of Equity and Human Rights staff, to designate positions citywide that benefit from a language skill and are eligible for the language pay differential; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources and Office of Equity and Human Rights are directed to codevelop processes and procedures for City managers to assign additional positions they've identified as benefitting from a language skill and shall be considered for the language pay differential; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources and Office of Equity and Human Rights are directed to codevelop a process for multilingual City employees whose positions have not been designated as needing a language skill by their manager, but who believe their language skill removes barriers for multilingual community members and brings value to the institution, to be considered for the language pay differential; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources is directed to proactively work with City bureaus and offices to ensure City employees, current and prospective, are aware of the language pay differential and understand how to qualify for the benefit; and

BE IT FURTHER RESOLVED, the Chief Human Resources Officer is authorized to enter into Letters of Agreement with any City union to provide for the language pay differential as provided in this Resolution without need for further Council approval; and

BE IT FURTHER RESOLVED, the Bureau of Human Resources and the Office of Equity and Human Rights shall review this policy at least annually and update it as needed to reflect changes to business objectives or community need; and

BE IT FURTHER RESOLVED, the program shall be implemented on a pilot basis for the FY 2021-22 fiscal year beginning on July 1, 2021. Bureaus shall track any additional costs associated with the program and absorb the costs of the initial pilot within their existing FY 2021-22 budgets. If necessary, bureaus may request resources to help pay for program costs on a one-time basis during the FY 2021-22 Spring Budget Monitoring Process.

BE IT FURTHER RESOLVED, this Resolution is binding City policy.

Adopted by the Council: December 16, 2020

Commissioner Amanda Fritz
Prepared by: Cynthia Castro, Yesenia Carrillo,
and Tatiana Elejalde
Date Prepared: December 7, 2020

Mary Hull Caballero
Auditor of the City of Portland

By *Keelan McClymont*
Deputy

1005
 Agenda No.
RESOLUTION NO. 37525
 Title

Establish a language pay differential for multilingual City employees and authorize the Bureau of Human Resources and the Office of Equity and Human Rights to establish processes and procedures necessary for implementation (Resolution)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p>	<p>CLERK USE: DATE FILED <u>December 8, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler</p> <p>Position 1/Utilities - Fritz <small>Tim Crail on behalf of Commissioner Fritz Date: 2020.12.08 10:04:58 -08'00'</small> <small>Digitally signed by Keelan McClymont Date: 2020.12.08 16:42:57 -08'00'</small></p> <p>Position 2/Works - Ryan</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Keelan McClymont</u> <small>Deputy</small></p> <p>ACTION TAKEN:</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: N/A Bureau Head:</p>	
<p>Prepared by: Cynthia Castro Date Prepared: 12/7/2020</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date December 16, 2020</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/> 30 min.</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Ryan	2. Ryan	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly		
Wheeler	Wheeler	✓	