



Division of Higher Education

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Johnny Key
Secretary

Maria Markham, Ph.D.
Director

February 15, 2022

The Honorable David Wallace, Chair
The Honorable David Hillman, Chair
Arkansas Legislative council-Personnel Subcommittee
State Capitol Building
Little Rock, AR 72201

Dear Senator Wallace and Representative Hillman:

The Arkansas Division of Higher Education (ADHE) 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 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 UAF, the employee will be expected to speak Spanish at least 100% of the time interacting with assisting motorists, other 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 understands this possible outcome.

UAF has requested the second language differential for Alejandro Silva, Parking Control Officer, T090C, Grade C105. (See Attachment). Testing was done by UAF Department of World Languages, Literatures & Cultures. If approved, this level of proficiency, advanced high, is eligible for a 10% differential.

RECOMMENDATION:

The Arkansas 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 employee and classification.

Your consideration of this request is appreciated.

Sincerely,

A handwritten signature in black ink, reading "Maria Markham". The signature is written in a cursive, flowing style.

Maria Markham
Director

February 11, 2022

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 Alejandro Silva, a current Parking Control Officer (T090, Grade C105). The 10% differential would move Mr. Silva's salary from \$30,244 to \$33,268.40. Mr. Silva's second language is Spanish.

As documented in Mr. Silva's position description, he uses Spanish 100% of the time for his job duties. Mr. Silva uses Spanish to assist motorists on the field who do not understand English. He helps them with proper instructions and helps them with parking instructions and how to avoid a parking citation:

- 55% - Provides parking assistance by giving directions and explaining parking regulations to students, employees and visitors to UA campus; assists in implementation of special events parking; enforces UA parking regulations through the issuance of warnings, citations, immobilizing and towing vehicles.
- 20% - Patrol assigned campus sectors, reporting criminal offences to the University Police, maintenance needs to supervisor, and directing public to the proper office to obtain assistance.
- 15% - Coordinates activities of part-time parking control employees working their assigned zone, including training of new part-time employees; and helps resolve incidents of confrontation arising in the field.
- 10% - Performs other duties as assigned; provides customer service to motorists on campus.

The following assessment was conducted on Mr. Alejandro Silva:

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

Location: Fayetteville, AR

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

Test Format: Oral Proficiency Interview

Testee: Alejandro Silva

Proficiency Level: Advanced High

Information about the assessment and description of proficiency levels available at: [2+](#).

Assessment conducted by: Dr. Brenda Magnetti (bmagnet@uark.edu), Teaching Assistant
Professor & Spanish TA Supervisor

Mr. Alejandro Silva tested as **Advanced High** on this assessment. I have attached an email from Dr. Magnetti 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.

Connie Hernandez
Compensation Analyst