

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING A BILINGUAL ASSIGNMENT PAY PROGRAM FOR THE MESQUITE FIRE DEPARTMENT AND AUTHORIZING ASSIGNMENT PAY FOR COMMISSIONED FIRE FIGHTERS AND GENERAL GOVERNMENT EMPLOYEES OF THE MESQUITE FIRE DEPARTMENT WHO HAVE SATISFIED CERTAIN CRITERIA AND WHO HAVE BEEN ASSIGNED TO PERFORM THE SPECIALIZED FUNCTION OF TRANSLATING CERTAIN LANGUAGES AS PART OF THEIR DUTIES FOR THE MESQUITE FIRE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in an effort to increase the efficiency and effectiveness of personnel of the Mesquite Fire Department by improving communications with the public, the City Council of the City of Mesquite, Texas (the "City Council") directed the City's Human Resources Department, along with the Mesquite Fire Department, to develop a program for bilingual assignment pay for the Mesquite Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City of Mesquite, Texas (the "City"), hereby establishes a program for bilingual assignment pay for the Mesquite Fire Department (the "MFD Bilingual Assignment Pay Program"). The MFD Bilingual Assignment Pay Program will be on the terms and subject to the conditions and criteria more fully set forth in this ordinance and will be effective on October 1, 2019 and thereafter unless changed, amended or repealed by a subsequent ordinance as more fully set forth in Section 15 below.

SECTION 2. That "Fire Chief" as used in this ordinance shall mean the chief or head of the Mesquite Fire Department.

SECTION 3. That "Eligible MFD Employee" as used in this ordinance shall mean commissioned fire fighters of the Mesquite Fire Department (except for the Fire Chief) and general government employees of the Mesquite Fire Department.

SECTION 4. That "Eligible Foreign Language" as used in this ordinance shall mean Spanish and such additional language(s) as the Fire Chief may hereafter designate as eligible language(s) for the MFD Bilingual Assignment Pay Program.

SECTION 5. That "CEF Proficiency Scale" as used in this ordinance shall mean that certain scale established by the Council of Europe as a means of standardizing levels of language proficiency and commonly referred to as The Common European Framework of Reference for Languages or the Common European Framework of Reference for Languages: Learning, Teaching, Assessment and sometimes abbreviated as CEF or CEFR, as hereafter amended or replaced.

SECTION 6. That “Successfully Passed” as used in this ordinance shall mean that the Eligible MFD Employee has completed a language proficiency exam administered by or on behalf of the City’s Human Resources Department and/or the Mesquite Fire Department and has earned at least the minimum score required to demonstrate an overall Proficiency Level rating of B2, C1 or C2 on the CEF Proficiency Scale, or a level of proficiency equivalent thereto.

SECTION 7. That the City Council hereby authorizes the City to pay assignment pay in the amounts set forth in this ordinance to each Eligible MFD Employee who is assigned by the Fire Chief to perform the specialized function of translating an Eligible Foreign Language into English (and English into an Eligible Foreign Language) as part of their job duties for the Mesquite Fire Department and who meet the following criteria:

1. The Eligible MFD Employee must have successfully completed his/her probationary period with the Mesquite Fire Department; and
2. The Eligible MFD Employee must have Successfully Passed a language proficiency exam in the Eligible Foreign Language administered by or on behalf of the City’s Human Resources Department and/or the Mesquite Fire Department.

SECTION 8. That the amount of assignment pay authorized by this ordinance will be based on the Eligible MFD Employee’s level of language proficiency as more fully set forth below:

Level of Language Proficiency	Amount of Assignment Pay
Eligible MFD Employee who has Successfully Passed only a Verbal (Oral) language proficiency exam	\$75.00 per month
Eligible MFD Employee who has Successfully Passed both a Verbal (Oral) language proficiency exam and a Reading/Writing language proficiency exam	\$150.00 per month

SECTION 9. That each MFD Eligible Employee who meets the conditions and criteria for receiving bilingual assignment pay pursuant to this ordinance shall receive the assignment pay authorized by this ordinance until the earlier of: (i) the date such MFD Eligible Employee is no longer assigned by the Fire Chief to perform the specialized function of translating an Eligible Foreign Language into English (and English into an Eligible Foreign Language) as part of their job duties for the Mesquite Fire Department; or (ii) the date this ordinance is changed, amended or repealed by a subsequent ordinance as more fully set forth in Section 15 below.

SECTION 10. That the assignment pay authorized by this ordinance shall be in addition to the regular pay received by the Eligible MFD Employees who are receiving the assignment pay.

Human Resources/Bilingual Pay for Eligible MFD Employees

September 16, 2019

Page 3 of 3

SECTION 11. That the Fire Chief is not eligible for the assignment pay authorized by this ordinance.

SECTION 12. That this ordinance is being passed pursuant to § 143.042 of the Texas Local Government Code to the extent it applies to commissioned fire fighters of the Mesquite Fire Department.

SECTION 13. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 14. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 15. That the MFD Bilingual Assignment Pay Program established by this ordinance and the assignment pay authorized herein are subject to change, amendment or repeal by subsequent ordinance of the City Council at any time and any benefits hereunder are subject to the appropriation and allocation of funds for that purpose by the City Council. The provisions of this ordinance are not intended to create contractual rights between the City and its employees and nothing contained in this ordinance shall be construed as creating or constituting a contract, either expressed or implied, unilateral or otherwise, between the City and its employees.

SECTION 16. That this ordinance shall become effective on October 1, 2019.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of September 2019.

Stan Pickett
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney