

ORDINANCE NO. 4325

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 4257 IN ITS ENTIRETY AND CONTINUING A BILINGUAL ASSIGNMENT PAY PROGRAM FOR THE MESQUITE POLICE DEPARTMENT AND AUTHORIZING ASSIGNMENT PAY FOR COMMISSIONED POLICE OFFICERS AND GENERAL GOVERNMENT EMPLOYEES OF THE MESQUITE POLICE 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 POLICE DEPARTMENT; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

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

WHEREAS, on March 4, 2013, the City Council passed Ordinance No. 4255 establishing a pilot program for bilingual assignment pay for the Mesquite Police Department authorizing assignment pay in varying amounts for three different levels of language proficiency; and

WHEREAS, on March 18, 2013, the City Council repealed Ordinance No. 4255 and adopted Ordinance No. 4257 establishing a revised pilot program for bilingual assignment pay for the Mesquite Police Department revising the levels of language proficiency and the authorized amounts of bilingual assignment pay; and

WHEREAS, Ordinance No. 4257 established September 30, 2014, as the expiration date for the Mesquite Police Department's bilingual assignment pay pilot program; and

WHEREAS, the City Council has determined that the Mesquite Police Department's pilot program for bilingual assignment pay has increased the efficiency and effectiveness of personnel of the Mesquite Police Department and has improved communications with the public; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its citizens to continue a bilingual assignment pay program for the Mesquite Police Department beyond the September 30, 2014, expiration date as stated in Ordinance No. 4257 and accordingly, the City Council desires to adopt this Ordinance and repeal Ordinance No. 4257 in its entirety effective as of the date of this Ordinance.

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

SECTION 1. That on March 4, 2013, the City Council passed Ordinance No. 4255, which established a pilot program for bilingual assignment pay for the Mesquite Police

Department and authorized assignment pay in varying amounts for three different levels of language proficiency.

SECTION 2. That on March 18, 2013, the City Council repealed Ordinance No. 4255 and adopted Ordinance No. 4257 establishing a revised pilot program for bilingual assignment pay for the Mesquite Police Department revising the levels of language proficiency and the authorized amounts of assignment pay.

SECTION 3. That Ordinance No. 4257 is hereby repealed in its entirety effective as of the date of this ordinance and the City Council hereby adopts this ordinance to supersede Ordinance No. 4257.

SECTION 4. That the City of Mesquite, Texas (the “City”), hereby establishes a program for bilingual assignment pay for the Mesquite Police Department (the “MPD Bilingual Assignment Pay Program”). The MPD 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 from and after the date of this ordinance unless changed, amended or repealed by a subsequent ordinance as more fully set forth in Section 18 below.

SECTION 5. That “Chief of Police” as used in this ordinance shall mean the Chief of Police of the Mesquite Police Department.

SECTION 6. That “Eligible MPD Employee” as used in this ordinance shall mean commissioned police officers of the Mesquite Police Department (except for the Chief of Police) and general government employees of the Mesquite Police Department.

SECTION 7. That “Eligible Foreign Language” as used in this ordinance shall mean Spanish and such additional language(s) as the Chief of Police may designate as eligible language(s) for the MPD Bilingual Assignment Pay Program.

SECTION 8. 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 9. That “Successfully Passed” as used in this ordinance shall mean that the Eligible MPD Employee has completed a language proficiency exam administered by or on behalf of the City’s Human Resources Department and/or the Mesquite Police 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 10. That the City Council hereby authorizes the City to pay assignment pay in the amounts set forth in this ordinance to each Eligible MPD Employee who is assigned by the Chief of Police 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 Police Department and who meet the following criteria:

1. The Eligible MPD Employee must have successfully completed his/her probationary period with the Mesquite Police Department; and
2. The Eligible MPD 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 Police Department.

SECTION 11. That the amount of assignment pay authorized by this ordinance will be based on the Eligible MPD Employee's level of language proficiency as more fully set forth below:

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

SECTION 12. That each MPD 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 MPD Eligible Employee is no longer assigned by the Chief of Police 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 Police Department; or (ii) the date this ordinance is changed, amended or repealed by a subsequent ordinance as more fully set forth in Section 18 below.

SECTION 13. That the assignment pay authorized by this ordinance shall be in addition to the regular pay received by the Eligible MPD Employees who are receiving the assignment pay.

SECTION 14. That the Chief of Police is not eligible for the assignment pay authorized by this ordinance.

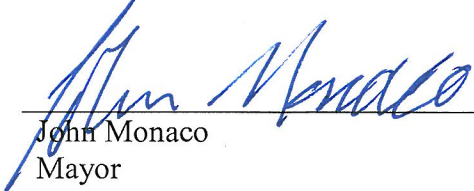
SECTION 15. That this ordinance is being passed pursuant to §143.042 of the Texas Local Government Code to the extent it applies to commissioned police officers of the Mesquite Police Department.

SECTION 16. That Ordinance No. 4257 is hereby repealed in its entirety as of the date of this ordinance and is superseded by this ordinance. If any other ordinances of the City contain provisions in conflict with this ordinance, the portions in conflict are hereby repealed and the portions not in conflict herewith shall remain in full force and effect.

SECTION 17. 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.

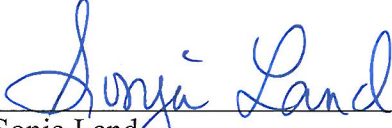
SECTION 18. That the MPD Bilingual Assignment Pay Program established by this ordinance and the assignment pay authorized herein are subject to change, amendment or repeal by subsequent ordinance of the City Council at any time and any benefits hereunder are subject to the appropriation and allocation 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of September, 2014.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney