

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Babel Notices**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with information about Babel notices and how to comply with Babel notice requirements, including the following:

- Babel notice requirements
- Examples of documents that contain vital information
- When documents require a Babel notice
- Sample Babel notices in English, Spanish, and Vietnamese
- Interpreters for limited English proficient (LEP) customers

BACKGROUND:

Regulations at 29 Code of Federal Regulations (CFR) Part 38 set forth the requirements for the Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014, effective December 2, 2016.

WIOA regulations at 29 CFR §38.4(i) define “Babel notice” as a short notice in multiple languages that:

- informs the reader that the document (for example, application form, consent form, notice of rights and responsibilities) or electronic media (for example, website, web application, and e-mail) contains vital information; and
- explains how to access language services to have the contents of the document or electronic media provided in other languages.

WIOA regulations at 29 CFR §38.4(ttt) define “vital information” as information, whether written, oral, or electronic, that is:

- necessary for an individual to understand how to obtain any aid, benefit, service, and/or training;
- necessary for an individual to obtain any aid, benefit, service, and/or training; or
- required by law.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Babel Notice Requirements

NLF: Boards must ensure that Babel notices are used to inform customers that the information contained in a document or communication is available in other languages (29 CFR §38.9(g)(3)).

NLF: Boards must ensure that vital information in written documents or communications is translated into languages spoken by a significant number or portion of the population eligible to be served by Workforce Solutions Offices in the local workforce development area (workforce area). Translations must be made readily available in hard copy, upon request, or electronically, such as on a website.

NLF: Under 29 CFR §38.40, Boards must ensure that outreach information is conveyed in languages spoken by a significant number or portion of the workforce areas’ general population to satisfy affirmative outreach requirements. Outreach information may be provided:

- via hard copy distribution;
- electronically on web pages or social media; or
- through other broadcast means such as newspapers or radio programs.

NLF: Boards must ensure that the Babel notice is used when appropriate to safeguard against national origin discrimination against LEP customers. Failure to provide language assistance to LEP individuals may be a form of unlawful national origin discrimination.

Examples of Documents That Contain Vital Information

NLF: Boards must be aware that examples of documents containing vital information include, but are not limited to:

- applications;
- consent and complaint forms;
- notices of rights and responsibilities;

- notices advising LEP individuals of their rights, which may include, but are not limited to, the availability of free language assistance;
- written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and
- letters or notices that require a response from the individual or applicant, participant, or employee.

When a Document Requires a Babel Notice

NLF: Boards must follow the guidance provided in Attachment 1, Babel Notice Requirements, to determine when a Babel notice must be included in a document.

Sample Babel Notices in English, Spanish, and Vietnamese

NLF: Boards must include the Babel notice provided below in English, Spanish, and/or Vietnamese on communications of vital information, when appropriate.

NLF: If a Board has another Babel notice that it would prefer to use, the Board's equal opportunity (EO) officer must send the preferred Babel notice to the Regulatory Integrity Division's EO compliance officer at EO.Reports@twc.state.tx.us for approval.

Babel Notice in English

This document contains vital information about requirements, rights, determinations, and/or responsibilities for accessing workforce system services. Language services, including the interpretation/translation of this document, are available free of charge upon request.

Babel Notice in Spanish

Este documento contiene información importante sobre los requisitos, los derechos, las determinaciones y las responsabilidades del acceso a los servicios del sistema de la fuerza laboral. Hay disponibles servicios de idioma, incluida la interpretación y la traducción de documentos, sin ningún costo y a solicitud.

Babel Notice in Vietnamese

Tài liệu này có thông tin quan trọng về các yêu cầu, quyền hạn, quyết định, và/hoặc trách nhiệm để sử dụng các dịch vụ của hệ thống nhân lực. Các dịch vụ trợ giúp ngôn ngữ, bao gồm thông dịch/chuyển ngữ tài liệu này, có sẵn miễn phí khi quý vị yêu cầu.

Interpreters for LEP Customers

LF: When precise, complete, and accurate interpretations or translations of information and/or testimony are critical for adjudicatory or legal reasons, or where the competency of the interpreter requested by the LEP individual is not established, Boards may provide their own independent interpreter, even if an LEP individual wants to use his or her interpreter as well (29 CFR §38.9(f)(3)).

NLF: Boards must ensure that LEP customers are aware that language assistance services such as oral interpretation or written translation services are available, upon request, at no

charge to the customer. When appropriate, Boards may use funds from programs that the customer shows an interest in or is enrolled in to pay for oral or written translation services.

Additional Information Related to Babel Notices

NLF: Additional guidance will be provided for TWC-VR staff in a forthcoming guidance memo.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENT:

Attachment 1: Babel Notice Requirements

REFERENCES:

Workforce Innovation and Opportunity Act §188

US Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (29 CFR Part 38)