

TECHNICAL ASSISTANCE - #TA-02-2019

DATE: October 31, 2019

SUBJECT: BABEL Notice Technical Assistance

PURPOSE:

The Oklahoma Office of Workforce Development (OOWD) provides this technical assistance as a further clarification of OWDI #13-2017, Change 2. Per 29 CFR 38.9(g)(3): “Recipients must include a “Babel notice,” indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites.”

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Title I Sec. 188(i)
- 29 CFR 38.4, 38.9, 38.40
- DOL Webpage <https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/Babel-Notice-Samples-UI.pdf>

A Babel Notice is defined at 29 CFR 38.4(i) as a short notice included in a document or electronic medium (e.g., website, “app,” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

Vital Information is defined at 29 CFR 38.4(ttt) 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; or required by law.

- 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 under this part, including the availability of free language assistance;
- rulebooks; 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 beneficiary or applicant, participant, or employee.

The Civil Rights Center developed a sample notice to assist in complying with the Babel notice requirements. The sample notice has 10 of the most common non-English languages spoken in the United States. To meet the needs of the local community a recipient will need to translate into other languages. See Appendix A.

In order to best assist the community in which a recipient serves, the recipient should have procedures or policies in place for regular review of the demographics and languages utilized locally. The recipient can complete on an interval as determined by the recipient. Local circumstances may require review that is more frequent, however, conducting the review no less than annually. A best practice would be to have a good metric monitoring system that is continuous and identifies any upward trends. There is no specific numeric guidance on what would trigger action, 29 CFR 38.9 does provide direction on what a LEP should entail. The starting point of creating the plan should entail identifying the languages in use and vital documents.

Key Takeaways

Recipients 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)).

Recipients must ensure vital information in written documents or communications are translated into languages spoken by a significant number or portion of the population eligible to be served by American Job Centers in the local workforce development area. Translations must be made readily available in hard copy, upon request, or electronically, such as on a website.

Under 29 CFR §38.40, Recipients 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.

Recipients must ensure that the Babel notice safeguards against national origin discrimination towards LEP customers. Failure to provide language assistance to LEP individuals may be a form of unlawful national origin discrimination.

Recipients 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.

INQUIRIES: If you have any questions, please contact the State Equal Opportunity Officer Staff in the Oklahoma Office of Workforce Development

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ATTACHMENT – Sample Babel Notice

Sample Tag Line (Babel Notice) for LEP Individuals with 10 Language Translations (Spanish, Chinese, French, German, Tagalog, Italian, Vietnamese, Korean, Polish, and Russian)

English

IMPORTANT! This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

DEADLINE FOR APPEAL: If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document.

IMMEDIATELY: If needed, call xxx-xxx-xxx for assistance in the translation and understanding of the information in the document(s) you have received.

Spanish

¡IMPORTANTE! Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento.

PLAZO LÍMITE PARA APELAR: Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento.

INMEDIATAMENTE: Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al xxx-xxx-xxx.

Chinese

重要提示！ 这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

上诉截止日期： 如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。

立即： 如果需要，请拨打 xxx-xxx-xxx，可获得帮助，以利您翻译和理解所收到的文件中的信息。

French

IMPORTANT! Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéficiaires. Il est indispensable que vous compreniez le contenu de ce document.

DATE LIMITE POUR FAIRE APPEL: Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document.

IMMÉDIATEMENT: Si nécessaire, téléphonez au xxx-xxx-xxx pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

German

WICHTIG! Diese(s) Dokument(e) enthält (enthalten) wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen.

FRIST ZUR BESCHWERDEEINLEGUNG: Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen.

SOFORT: Sofern erforderlich, rufen Sie die Telefonnummer xxx-xxx-xxx an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

Tagalog

IMPORTANTE! Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa xxx-xxx-xxx para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

Italian

IMPORTANTE: Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefici. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento.

SCADENZA PER IL RICORSO: Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento.
IMMEDIATAMENTE: In caso di necessità chiami il xxx-xxx-xxx per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

Vietnamese

QUAN TRỌNG: Tài liệu này chứa đựng tin tức quan trọng về quyền hạn, trách nhiệm và/hoặc những lợi lộc được đền bù trong khi thất nghiệp. Đó là điều tối cần thiết mà quý vị phải hiểu rõ những tin tức trong tài liệu này.

HẠN CHÓT KHIẾU NẠI: Nếu quý vị không đồng ý với quyết định này, quý vị phải nộp đơn khiếu nại trước hạn chót ghi rõ trong tài liệu này.

MỘT CÁCH NHANH CHÓNG: Nếu cần xin hãy gọi số xxx-xxx-xxx để được giúp đỡ trong việc phiên dịch và hiểu rõ những tin tức trong tài liệu quý vị đã nhận.

Korean

중요! 이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다.

항소 마감: 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다.

즉시: 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 xxx-xxx-xxx 로 연락을 하시기 바랍니다.

Polish

WAŻNE! Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne.

DATA WYGAŚNIĘCIA TERMINU SK ŁADANIA ODWOŁAŃ: Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod xxx-xxx-xxx w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

Russian

ВАЖНО! Данный документ(ы) содержит важную информацию о Ваших правах на пособие по безработице, ответственностях и /или выгодах. Крайне важно, чтобы Вы поняли всю информацию, представленную в данном документе(ах).

КРАЙНИЙ СРОК ДЛЯ ОБЖАЛОВАНИЯ: Если Вы не согласны с представленным постановлением или решением, Вы должны подать заявление на обжалование данного документа до крайнего срока, указанного в нём. **НЕМЕДЛЕННО:** При необходимости звоните xxx-xxx-xxx для получения помощи в переводе и понимании информации данного документа(ов).