OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 14-49 April 16, 2014

To: All Regional Directors, Officers-in-Charge, and Resident Officers

From: Anne Purcell, Associate General Counsel

Subject: Modification of Certain Agency Documents for Spanish Speakers

This memorandum announces changes to the NxGen templates for docket letters to charging parties, dismissal letters, deferral letters, and letters approving withdrawal requests. The changes add an optional paragraph in Spanish that generally explains the nature of the document and what a person can do to have someone explain the letter to them in Spanish.

Background for Changes

Following the signing of the letter of agreement between the NLRB and the Ministry of Foreign Affairs of the United Mexican States, a number of successful regional office events with local Mexican consulates, and a visit to the San Juan office, the Division of Operations-Management convened a Workgroup to discuss which, if any, of the documents sent out by Field personnel should be translated into Spanish or other languages and made into NxGen templates. The members of the Workgroup are Margaret Diaz, Regional Director - Region 12; David Leach, Regional Attorney – Region 2; Ofelia Gonzalez, Assistant to the Regional Director – Region 16; Stephanie Cahn, Supervisory Attorney – Region 21; Vanessa Garcia, Supervisory Attorney – Subregion 24; and Dottie Wilson, Assistant General Counsel - Operations-Management.

The Workgroup first considered the current practices regarding translation of Agency documents. They determined that in accordance with Agency policy, election notices and ballots, and Notices posted pursuant to settlement agreements, Board or Court orders, are translated into Spanish and other languages in appropriate circumstances. See CHM 11315. Agency policy is not specific as to other documents, but Regional practice is to send only in English standard Agency documents such as docket letters, deferral letters, and letters approving withdrawal requests. Regional practice varies somewhat with regard to dismissal letters. Although most Regions send dismissal letters in English only, a few Regions issue Spanish translations of dismissal letters.

The Workgroup recognized that increased translation of Agency documents in their entirety could be beneficial but expressed concern about the burden that would be placed on the Regions to prepare the translations in times of limited resources. After reviewing several options, the Workgroup recommended adding a specific paragraph in Spanish and English to four types of letters (docket letters to charging parties, dismissal letters, deferral letters, and letters approving withdrawal requests) because it communicates the Agency's concern about the language issue, alerts the recipient to the reason he or she should want to understand the document, but does not overly burden Regional staff. The paragraphs can be added as optional

text in the NxGen templates so Regions only have to click to add the text. The paragraph would appear at the end of the document in Spanish and would be followed by the English translation in parentheses. The telephone number in the paragraph would be the Region's main number or, if a Region prefers, the number of a language specialist or assistant.

The Changes

We have decided to adopt the approach recommended by the Workgroup as a first step and to evaluate the program in six months to see if adjustments are needed or desirable and determine whether translations of this text in other languages should be made available or other documents should have similar paragraphs.

The Spanish translations were prepared by language assistants and reviewed by other Agency Spanish speakers. We recognize that translation of certain words might vary for speakers from a particular country or area and we have attempted to provide a translation that can be understood by everyone who speaks Spanish, even if they might write it somewhat differently.

We would like for Regions to begin using the optional text immediately in cases where the Region is aware that a party is a non-English speaker. To add the text, the person creating the NxGen template need only check the box labeled "Explanation in Spanish."

The letters and the paragraph, in Spanish and then in English, that would be added for each type of letter are set forth below.

Docket Letter to Charging Party:

> TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (xxx) (xxx-xxxx). El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.
>
> *(PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (XXX) XXX-XXXX. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)*

Dismissal Letter (Full dismissal):

TENGA PRESENTE: Esta carta explica que el NLRB está desestimando las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con la conducta alegada en el cargo. Usted puede apelar esta decisión, pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (XXX) (XXX-XXXX). La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en ellos.

(PLEASE NOTE: This letter explains that the NLRB is dismissing the allegations in the charge you filed and does not plan to proceed further on the conduct alleged in the charge. You may appeal that decision, but you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (XXX) XXX-XXXX. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)

Dismissal Letter (Partial Dismissal):

TENGA PRESENTE: Esta carta explica que el NLRB está desestimando algunas de las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con las mismas. Usted puede apelar esta decisión pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, puede contactar a la Oficina Regional por carta o llamar al (XXX) (XXX-XXXX). La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en los mismos.

(PLEASE NOTE: This letter explains that the NLRB is dismissing some of the allegations in the charge you filed and does not plan to proceed further on those allegations in the charge. You may appeal that decision, but you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (XXX) XXX-XXXX. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)

Deferral Letters (Collyer and Dubo):

TENGA PRESENTE: Esta carta contiene información importante acerca de una decisión relacionada al cargo presentado ante el NLRB y como será procesado. La decisión puede ser apelada por la parte que presentó el cargo, pero eso debe hacerlo dentro de un periodo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (XXX) (XXX-XXXX). La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las partes que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en los mismos.

(PLEASE NOTE: This letter contains important information about a decision regarding how the charge filed with the NLRB will be handled. The decision may be appealed by the party who filed the charge, but that must be done within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (XXX) XXX-XXXX. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)

Letter Approving Withdrawal Request:

TENGA PRESENTE: Esta carta confirma su solicitud para retirar el cargo que usted presentó con el NLRB. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (XXX) (XXX-XXXX). La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en los mismos.

(PLEASE NOTE: This letter confirms your request to withdraw the charge you filed with the NLRB. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (XXX) XXX-XXXX. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)

I want to extend our thanks to the Workgroup for developing this approach to make the NLRB more accessible to non-English speaking parties. If you have any questions, about this memorandum, please feel free to contact your Deputy, AGC or me.

A.P.