

HUMAN RESOURCES MEMORANDUM 16-006		DATE ISSUED: 2/25/2016
SUBJECT: DGS Language Policy		REFERENCE: None
TO: All DGS Staff		SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

This memo is being released to clarify The Department of General Services' (DGS) policy concerning employees speaking languages other than English in the workplace.

DGS Language Policy

DGS does not have a policy restricting languages spoken within the workplace to English only. Any limitation or prohibition of the use of any language in the workplace must be justified by a business necessity and employees need to be notified of the circumstances, the time when the language restriction is required to be observed, and of the consequences for violating the language restriction in accordance with California Government Code section 12951.

Government Code section 12951

It is an unlawful employment practice for an employer to adopt or enforce a policy that limits or prohibits the use of any language in any workplace, unless both of the following conditions exist:

- 1) The language restriction is justified by a business necessity; and
- 2) The employer has notified its employees of the circumstances and the time when the language restriction is required to be observed and of the consequences for violating the language restriction.

For the purposes of this section, "business necessity" means an overriding legitimate business purpose such that the language restriction is necessary to the safe and efficient operation of the business, that the language restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the language restriction that would accomplish the business purpose equally well with a lesser discriminatory impact. (Govt. Code §12951, subd. (b).)

Supervisors and Managers

DGS managers and supervisors are responsible for maintaining a work environment free from discrimination, harassment, and retaliation for all employees. If any prohibition or limitation of speaking a language other than English in the workplace is being considered, prior approval must be obtained from the Office of Human Resources (OHR) or Equal Employment Opportunity (EEO) office. Prior to giving such approval, the OHR or EEO office must consult with the DGS chief counsel.

Discrimination/Questions

If you believe you have been discriminated against because of the language you speak or if you have questions about this policy, please contact the DGS EEO Office at (916) 376-5127.

ANGIE BOLDRINI, Personnel Officer
Office of Human Resources