



**DEPARTMENT OF VETERANS AFFAIRS**  
**ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION**  
**WASHINGTON DC 20420**  
**MAR 24 2014**

**MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES,  
AND OTHER KEY OFFICIALS**

**SUBJECT: Guidance for Language Use by Employees in the Department of  
Veterans Affairs (VAIQ #7455429)**

The Department of Veterans Affairs (VA) is strongly committed to equal employment opportunity, diversity and inclusion in the workplace. As such, VA recognizes and respects the right of employees who speak languages other than English in the workplace outside of the performance of their duties. The Equal Employment Opportunity Commission has stated that rules requiring employees to speak only English in the workplace violate the law unless these rules are necessary to the operation of the business.

Employees shall not be prohibited from speaking a non-English language when the conversation is not directly related to their work; for example, when they are in a break room or making a personal telephone call. Circumstances in which an English-only rule may be justified include: communications with customers or co-workers who only speak English, emergencies or other situations in which workers must speak a common language to promote safety, and cooperative work assignments. Even in cases where speaking English is required, an employer may not take disciplinary action against an employee for violating the English-only rule unless the employer has notified workers about the rule and the consequences of violating it. A rule requiring employees to speak English-only in the workplace at all times, including breaks and lunch time, must be limited to the circumstances in which it is needed for the employer to operate safely or efficiently.

On a related issue, a person's accent or English language fluency may not be the basis for refusal to hire or promote that person unless it interferes with his/her ability to do the job. Employers must show a legitimate, non-discriminatory reason for making a personnel decision on the basis of accent. They must distinguish between a discernible foreign accent and one that interferes with effective job-related communication. Some VA jobs that may require effective oral communication in English include nursing, customer service and instructors/trainers. A preference for a specific accent is also a form of language discrimination.

As we continue to transform VA and promote diversity and inclusion in our workplace, please ensure that all managers and supervisors are informed about this guidance and understand their responsibilities. Thank you for your support.

  
Gina S. Farrisee