

NOT TO BE INCLUDED  
IN BOUND VOLUMES

LBP  
Albert Lea, MN

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALBERT LEA SELECT FOODS, INC.  
Employer

and

Case 18-RC-17746

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 6  
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held March 11, 2011, and the Regional Director's report recommending disposition of them.<sup>[1]</sup> The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 215 for and 206 against the Petitioner, with 2 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and has adopted the Regional Director's findings and recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for United Food and Commercial Workers Union, Local 6 and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time production and maintenance employees employed by the Employer at its Albert Lea, Minnesota facility; excluding quality assurance employees, trainers, sanitation employees, professional

employees, office clerical employees, managers, all other employees, and guards and supervisors as defined in the Act, as amended.

Dated, Washington, D.C., August 10, 2011.

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Wilma B. Liebman,            Chairman

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Craig Becker,                Member

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Mark Gaston Pearce,        Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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<sup>[1]</sup> Contrary to the Employer’s Objection 1, we find that the Regional Director did not abuse his discretion by not providing interpreters for non-English speaking voters in the polling area, by not allowing multilingual observers for the parties to act as interpreters in that area, and/or by requiring that oral communications by Board agents and the parties’ observers in the voting area be in English. Given the number of languages that employees spoke, and hence the number of translators that would have been required in the voting area, we credit the reasonableness of the Regional Director’s “sole concern” of ensuring “that the Board Agents conducting the election were in control of the process, including being able to understand everything said to employees while they were in the polling place by anyone connected with assisting in the election.” In addition, we find that the Regional Director’s provision of the notice of election and ballots in all relevant languages (except for not translating the ballot into Thai) and use of multilingual individuals to release employees to vote, together with the parties’ own multilingual efforts to inform employees of their choice to vote for or against representation by the Petitioner and concerning the mechanics of voting, render quite remote any possibility that a determinative number of voters might have been adversely affected by the Regional Director’s actions objected to by the Employer. Further, we find that the Employer provided no evidence as to why, in light of the foregoing, the failure to translate the ballots into Thai was objectionable.