

Office of the General Counsel
Division of Operations-Management

MEMORANDUM OM 90-81

November 1, 1990

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

FROM: Joseph E. DeSio, Associate General Counsel

SUBJECT: Interpreters at Representation and Unfair Labor
Practice Hearings

Recent experience involving foreign language witnesses at representation and unfair labor practice hearings has indicated a need to reissue the following operative portions of Memorandum 78-45 on this subject:

The Agency is mandated to resolve questions concerning representation and is also responsible for resolving objections and challenges to elections. To achieve this goal in cases which require hearing, a complete record must be obtained so that the issues will be promptly determined. In many instances foreign language witnesses may provide testimony to assist the Agency in its determination, even though the Regional Office involved did not subpoena or call the individual to testify at the hearing. Moreover, it is fundamental to the Act that persons covered by the statute be able to resort to, and participate in, its processes without the limitation imposed by language differences. This is particularly significant in representation cases where the Agency is responsible for a complete hearing record.

Accordingly, in future representation hearings, both pre- and post-election hearings, where foreign language witnesses are required, the Regional Office will secure and pay for interpreter services.

With respect to "C" case hearings, the Regions should continue to provide interpreter services for foreign language witnesses called by the General Counsel, but should not provide interpreters for witnesses called by the parties without clearance from their Assistant General Counsel.

If you have any questions regarding this memorandum, please contact your Assistant General Counsel.

J. E. D.

cc: NLRBU

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