

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 91-74

August 23, 1991

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

FROM: Joseph E. DeSio, Associate General Counsel

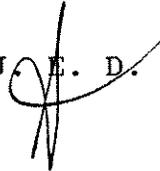
SUBJECT: Translations of Notices of Elections and Ballots

As you know, the Notice of Election has been revised three times in the past few years and in the near future another change will be effected. Because of these changes, the Forms Management Unit of the Administrative Services Branch has not been able to furnish current Notices and the Regions have had to obtain translation services locally. Through the second quarter of the current fiscal year, the Agency spent nearly \$119,000 for translating and interpreter services. A significant portion of this expenditure went to local language services to provide written translations of the Notice of Election and ballots. The costs of these services, which normally are quite expensive, fluctuate widely from Region to Region, and the quality of the translations has sometimes been questionable. To assure uniform quality translations at minimum cost, the Division of Administration, with the assistance of the Division of Operations-Management, is exploring the possibility of contracting out this service for the translations most often in demand in the Regional Offices.

Many Regions send copies of translated Notices to the Forms Management Unit, and all Regions should continue to do so. This permits all Regions to benefit from your efforts and helps to minimize costs. The date of the translation should be written on the back of the Notice so that the Forms Management Unit will know that the Notice contains the latest revisions. Accordingly, when you need a translated Notice and it is not in your inventory, please contact the Forms Management Unit for assistance. In the event the Forms Management Unit is unable to provide assistance, you should obtain the translations locally and provide a copy to the Unit, retaining a copy, of course, for your inventory. It should be noted that only procurement officials should contact local translating services. If price quotations do not appear fair and reasonable or if there is no local service that can meet your needs, contact your Assistant General Counsel.

With respect to the translation of the ballots, another time-consuming and costly problem, the Supreme Court recently denied certiorari in NLRB v. Precise Castings, 915 F.2d 1160 (7th Cir. 1990), which specifically upheld the Regional Director's option to provide an English-only ballot to all voters at the polling place in elections where the Notice of Election, including the sample ballot, was provided in a foreign language.

If you have any questions concerning this memorandum, please address them to your Assistant General Counsel.

J. E. D.


cc: NLRBU