ALASKA LABOR RELATIONS AGENCY
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Office use only
Case No -ULP
Date Filed Date Amended

CHARGE AGAINST EMPLOYER

SEE ATTACHED INSTRUCTIONS and FILING REQUIREMENTS

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT (Respondent)

a. Name of Employer	b. Employer Representative to contact
c. Address (street, city, state, and ZIP code)	d. Telephone Number Facsimile Number E-mail

2a. Full name of party filing charge (if labor organization, give full name, including local name and number)

2b. Address (street, city, state, and ZIP code)	2c. Telephone Number Facsimile Number E-mail

2d. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

3. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of AS 23.40.110(PERA) or AS 42.40.760 (Railroad). The employer has committed the practice described in

☐ 23.40.110(a)(1) - or 42.40.760(a)(1) Interference, coercion, or restraining employee in the exercise of rights guaranteed in AS 23.40.080 or AS 42.40.720.

☐ 23.40.110(a)(2) - or 42.40.760(a)(2) Domination or interference with formation, existence, or administration of union.

☐ 23.40.110(a)(3) - or 42.40.760(a)(3) Discrimination in hire or tenure of employment or a term or condition of employment to discourage or encourage union membership.

☐ 23.40.110(a)(4) - or 42.40.760(a)(4) Discharge or discrimination against employee for participating in proceedings under P.E.R.A.

☐ 23.40.110(a)(5) - or 42.40.760(a)(5) Refusal to bargain in good faith.

4. Collective Bargaining Agreement Indicate one:

☐ There has never been a collective bargaining agreement covering the parties involved.

☐ A copy of the current (or most recent) applicable collective bargaining agreement is attached.

5. Status of Grievance Proceedings (check all that apply)

a. ☐ A grievance has been filed and a copy is attached of each grievance step filing and all employer responses.

b. ☐ A copy of the grievance filed at each step and the employer's response(s) is being furnished for investigative purposes only. (Service on employer not required.)

c. ☐ Arbitration is scheduled for _____.

d. ☐ An arbitration award has been issued and is attached, or ☐ will be provided when received.

e. ☐ A grievance was not filed because:

6. Statement of Facts

Clear and concise statements of the facts claimed by the party filing this charge to constitute the unfair labor practice(s) (including times, dates, places, occurrences, and participants in occurrences) are set forth in numbered paragraphs on separate sheets of paper attached to each copy of this charge.

7. Remedy Requested

The remedies requested for the claimed unfair labor practices are set forth on separate sheets of paper attached to each copy of this charge.

8. DECLARATION

I, _____, say on oath or affirm that I have read the foregoing document and believe that all statements made in the document are true.

By

(Signature of representative or person making charge)

(Title or office, if any)

I certify that on _____ (date) I mailed, emailed, or hand delivered (circle one) a true and correct copy of this charge, to (include employer representative and, if the state is the employer, include the Attorney General and the Commissioner of Administration) Enter the name and address of person(s) served in the space provided below:

_____

Signature

INSTRUCTIONS FOR COMPLETING UNFAIR LABOR PRACTICE CHARGE AGAINST EMPLOYER

Please read these instructions before completing the attached charge. Fill in all information called for on the form. If you have any questions, please call the Alaska Labor Relations Agency at (907) 269-4895.

1. FORM INSTRUCTIONS.

(a) Items 1 through 5. Fill in all information and mark all appropriate boxes.

(b) Item 6. File a statement of facts that provides a complete explanation of the charge. Charges that do not state a sufficient cause of action will be returned for additional information, which must be provided within 14 calendar days from the date that the Agency mails the charge back. If the necessary information is not provided within 14 calendar days, the charge will be dismissed. Charges amended with additional or changed information must be sworn, filed with the Agency, and served on the employer (and Attorney General, if the State is the employer).

(c) While preparing your statement of facts, please remember that Agency staff will not be familiar with the issues and people involved, and the employer's representative who receives the charge may have limited or no knowledge of the alleged violations. Therefore, it is essential that you provide a thorough and complete description of all the relevant facts, including names, addresses, telephone and fax numbers of the individuals involved; dates, locations, and times where the incidents occurred, and a description of the incidents. The basic who, where, when, what, and why questions must be answered. Vague or general statements, such as "The employer violated the duty to bargain in good faith by not scheduling sufficient time for negotiations and failing to meet on a regular basis" will not be sufficient to state a cause of action. To state a cause of action, you must provide enough facts so that an investigation can be completed on the basis of the information contained in the charge.

(d) In the example in (c) about the employer's failure to bargain in good faith, the following facts and information are likely relevant:

- The expiration dates of the last collective bargaining agreement and a copy the agreement;
- The name(s) and phone number(s) of the employer's and labor organization's representative(s) authorized to conduct negotiations;
- The date that the labor organization made the demand to bargain and the employer's response, if any, including the names of the person(s) who made the request(s) and issued the responses (furnish copies, if the requests were written);
- A copy of the ground rules, if any, pertaining to the negotiations;
- The dates of each negotiation session held, the number of hours spent in bargaining at each session, and a summary of what was accomplished at each session; or if no progress was made, the reason(s) for the lack of progress;
- Details concerning any difficulties in scheduling negotiations, the names of the individuals involved, the dates the requests were made, the dates either party failed to attend scheduled sessions, the reasons given for the party's inability to attend each missed session, and the amount of notice that was given about the party's inability to attend;
- The number of items being negotiated that are outstanding and their relative importance;
- The number of items that have been resolved and their relative importance;
- The amount of time during negotiations that each party has spent in caucus vs. in face to face negotiations, and, if caucus time was lengthy, the reason(s) so much caucus time was required; and
- The current status of negotiations, including the dates that additional sessions are scheduled to be held.

The above list is not meant to be inclusive. Instead, it is provided to give the charging party a better idea of the information that is needed to investigate a charge.

(e) Items 7 and 8. In item 7, state the remedy you seek. In item 8, sign the charge and attest to its truth, list the date you mailed, emailed, or hand delivered the charge to the employer, and Attorney General if applicable, circle whether you mailed, emailed, or hand delivered the charge, and list the name(s) and address(es) of the person(s) to whom the charge was mailed, emailed, or delivered.

2. FILING REQUIREMENTS.

(a) File an original copy of this charge with the Alaska Labor Relations Agency. If the State of Alaska is the employer, the Office of the Attorney General and the Commissioner of Administration must be served with the charge. Complete the service block in item 8 by listing the date that you mailed, emailed, or hand delivered the charge, marking whether it was mailed, emailed, or hand delivered, and listing the name(s) and address(es) of the individual(s) who were served. The date of filing is the date of receipt by the Agency.

(c) Any evidence submitted as part of the charge must be attached and served on the employer. Please number each exhibit and paginate each attached exhibit. Evidence submitted with the charge is part of the Agency record. If materials are submitted for investigative purposes only, mark them "investigative" and submit one copy. Investigative materials do not need to be served on the employer. NOTE: Materials marked "investigative" are not part of the Agency record and will need to be introduced into evidence if a hearing is scheduled and the charging party wants to have those materials considered.

3. DEFERRAL TO ARBITRATION.

In appropriate circumstances, the Agency's defers unfair labor practice charges to the parties' grievance procedure, or defers to the arbitration award if the matter has already been arbitrated. Therefore, the charging party must furnish a copy of any grievances and responses that have been filed, or a copy of the arbitration award. If a grievance could have been filed but was not, include a statement addressing why a grievance wasn't filed.

4. COPY OF CONTRACT.

Attach a copy of the current (or most recent) collective bargaining agreement.