ALASKA LABOR RELATIONS AGENCY
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Office use only

CHARGE AGAINST LABOR ORGANIZATION

Case No.: **-ULP**

Date Filed: **Date Amended:**

SEE ATTACHED INSTRUCTIONS and FILING REQUIREMENTS

1. LABOR ORGANIZATION AGAINST WHOM CHARGE IS BROUGHT (Respondent)

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

2. The above-named organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of AS 23.40.110(c) or, if Alaska Railroad is the employer, AS 42.40.760(c). The organization or its agent has committed the practice described in:

If PERA (23.40)
- ☐ 23.40.110(c)(1) - Restrained or coerced
  - ☐ an employee in exercise of rights guaranteed in PERA;
  - OR ☐ an employer in selection of representative.
- ☐ 23.40.110(c)(2) - Refused to bargain in good faith.
- ☐ Violated the duty of fair representation.

If Railroad (42.40)
- ☐ 42.40.760(c)(1) - Restrained or coerced
  - ☐ an employee in exercise of rights guaranteed in AS 42.40.720;
  - OR ☐ the corporation in selection of a representative.
- ☐ 42.40.760(c)(2) - Refused to bargain in good faith.
- ☐ Violated the duty of fair representation.

3. An employee filing a charge against a labor organization or employee association must first file the complaint under any internal review procedures available in the labor organization or employee association. 8 AAC 97.225(a). Have you filed such a claim?

☐ YES ☐ NO

If you answered yes, state the outcome and provide a copy of any written decision(s). If you answered no, state the reason 8 AAC 97.225(a) should not apply to you.

4. Collective Bargaining Agreement (indicate one)

☐ There has never been a collective bargaining agreement covering the employer and labor organization involved.

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

5a. Name of Employer	5b. Address (street, city, state, and ZIP code if different than above)
5c. Telephone Number Facsimile Number E-mail	5c. Employer representative to contact (include street, city, state, and ZIP code, if different than above)

6. 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 labor organization responses.

b. ☐ A copy of the grievance filed at each step and all responses received is furnished for investigative purposes only. (Service on labor organization 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:

7. 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.

8. 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.

9. Full name of party filing charge	9a. Address of party filing charge (street, city, state, and ZIP code)	9b. Telephone Number Facsimile Number. E-mail

10. 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 _____ I mailed, emailed, or hand delivered (circle one) a true and correct copy of the foregoing to (include the Labor Organization). Enter the name and address of person(s) served in the space provided below:

_____
Signature

INSTRUCTIONS FOR COMPLETING CHARGE AGAINST LABOR ORGANIZATION

Please read these instructions before completing the attached charge. Items one through ten must be completed. If you have any questions, please call the Alaska Labor Relations Agency at 269-4895.

1. Filing requirements.

(a) File an original copy of this charge with the Alaska Labor Relations Agency. Complete the service block in item 10 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.

(b) Any evidence submitted as part of the charge must be attached and served on the labor organization. Please number 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.

2. Complaints or accusations by employees.

Under 8 AAC 97.225(a), before a represented employee may file an unfair labor practice charge against a labor organization or employee association, the employee must exhaust all remedies available through the internal review procedures of the labor organization or association. Complete item 3, explaining whether you have met this requirement.

3. Deferral to arbitration.

In appropriate circumstances, it is the Agency's policy to defer unfair labor practice charges to the parties' grievance procedure, or to defer to the arbitration award if the matter has already been arbitrated. Therefore, it is necessary for the charging party to furnish a copy of any grievances and responses that have been filed, or a copy of the arbitration award.

4. Statement of facts.

(a) In item 7, 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 filed with the Agency and served on the labor organization.

(b) While preparing the statement of facts, please remember that Agency staff will not be familiar with the issues and people involved, and the labor organization's representative who receives the charge may have limited or no knowledge of the alleged violations. Therefore, it is essential that a thorough and complete description of all the relevant facts concerning the alleged violation(s) be provided, including the names, addresses, telephone and fax numbers of the individuals involved; the 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 labor organization 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, enough facts must be provided so that an investigation can be completed on the basis of the information contained in the charge.

(c) In the example provided above, the following facts and information are likely relevant:

- The expiration date 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 employer made the demand to bargain and the labor organization'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.

5. Copy of contract.

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