

**INSTRUCTIONS FOR FILING UNFAIR LABOR PRACTICE
COMPLAINT AGAINST LABOR ORGANIZATION**

Confirm You are Using the Correct Unfair Labor Practice Form

The Employment Relations Board (ERB) has four different unfair labor practice complaint forms:

1. Unfair Labor Practice Complaint Against Public Employer: Use this form for claims that a public employer violated one or more of the subsections of ORS 243.672(1) or ORS 243.752 of the Public Employee Collective Bargaining Act (PECBA).
2. **Unfair Labor Practice Complaint Against Labor Organization:** Use this form for claims that a labor organization or public employee violated one or more of the subsections of ORS 243.672(2) or ORS 243.752 of PECBA.
3. Duty of Fair Representation Unfair Labor Practice Complaint: Use this form if you are a public employee and your claim is that a labor organization violated its duty of fair representation under PECBA, ORS 243.672(2)(a). You can use the same form to file a related claim against a public employer for violation of PECBA, ORS 243.672(1)(g).
4. Private Sector Unfair Labor Practice Charge: Use this form only for unfair labor practice claims under the Oregon private sector labor-management relations law, ORS 663.005-663.295.

Filing Requirements

To file an unfair labor practice complaint, you must submit the following to ERB:

1. A complete and signed unfair labor practice form;
2. A statement of claims; and
3. A \$300 complaint filing fee.

You do not need to give ERB any extra copies of the complaint, and you do not need to serve the complaint on the respondent.

Filing Methods

You may file your complaint by using our online [Case Management System-CMS](#) (*preferred*). You may also mail, fax*, email the complaint (with any attachments), or make arrangements with an ERB staff member for in-person delivery to:

Employment Relations Board
1225 Ferry S. S.E.
Salem, OR 97301
Fax: (503) 373-0021*
Phone: (503) 378-3807
Email: ERB.Filings@ERB.oregon.gov

If using our online CMS, you will be directed to a payment option to pay the required \$300 filing fee. At this time, only ACH payments (*i.e.*, those using a checking account) can be processed through our e-filing system—**credit card payments are not currently supported**.

If you do not use our online CMS to pay the \$300 filing fee, you may mail a check payable to Employment Relations Board, or make arrangements with an ERB staff member for in-person delivery. Please note that the

*There is an additional \$25 fee to file a document by fax. There is no additional fee to file by other methods (CMS, mail, email, or hand delivery).

complaint will not be deemed filed until the date that the Board receives the \$300 filing fee.

Fill Out the “Unfair Labor Practice Complaint Against Labor Organization” Form

Section 1: The “Complainant” is the party that is filing the complaint. Provide the complainant’s name and contact information.

Section 2: The “Complainant’s Representative”: If the complainant will be represented by an attorney or other advocate in this unfair labor practice case, provide the representative’s name and contact information. If you (the complainant) are representing yourself (without an attorney), explain that in Section 2 by writing, for example, “No representative,” or “Self-represented.”

Section 3: The “Respondent” is the labor organization and/or public employee against whom the complaint is being filed. Provide the respondent’s name and contact information.

Section 4: The “Respondent’s Representative”: If you know that the respondent is represented by an attorney or other advocate, provide the representative’s name and contact information. If there is no representative, or if you do not know who the representative is, explain that in Section 4.

Section 5: This section lists the PECBA sections that define unfair labor practices by a labor organization or public employee. Check all of the sections that you allege the respondent violated.

Section 6: This section lists the optional requests (for a civil penalty, filing-fee reimbursement, or expedited processing) that you may make by including the request in the complaint and meeting additional requirements, which are described in Section 7. If you are making any of those requests at this time, check all of the boxes that apply.

Section 7: This section describes the requirements for the “Statement of Claims” that you must file with your complaint. This section also describes the additional requirements that apply if you are requesting a civil penalty, filing-fee reimbursement, or expedited processing of your case.

If you refer to documents in your statement of claims, you may attach copies of some or all of those documents, but you are not required to do so. If you choose to submit documents to ERB, you should redact private or confidential information, such as social security numbers.

Certify and Sign the Complaint

You must sign and date the complaint form. By signing the complaint form, you are certifying that all of the statements in the Complaint (including the Statement of Claims) are true to the best of your knowledge and information.

For More Information

The most extensive sources for information on unfair labor practice case procedures are PECBA, ORS 243.650-243.809, and ERB’s administrative rules, specifically in Divisions 10 and 35. A copy of these laws and rules are available in the ERB RuleBook, which is posted on ERB’s website: <https://www.oregon.gov/erb/Pages/LawsRules.aspx>. ERB also provides other resources on its website that may be helpful to you, including a user guide titled, “Questions and Answers: PECBA Unfair Labor Practice Cases,” which provides basic information about unfair labor practice case procedures.

You may also contact ERB at (503) 378-3807, or Emprel.Board@ERB.oregon.gov. ERB staff can answer questions regarding procedures and applicable laws and rules. However, they are not permitted to give you legal advice.