

# The Alaska Labor Relations Agency and You

## Unfair Labor Practices



This pamphlet contains a general explanation of what the Alaska Labor Relations Agency is and what it does to process unfair labor practice charges.

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### What is the Alaska Labor Relations Agency?

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We are a state agency established to administer the Alaska Public Employment Relations Act (PERA) and the Alaska Railroad Corporation labor relations laws.

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### What Are Your Rights As An Employee Under PERA?

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Examples of Your Rights as an Employee Under PERA are:

Forming, or attempting to form, a union among the employees of your employer.

Joining a union whether the union is recognized by your employer or not. Assisting a union in organizing your fellow employees.

Refraining from activity on behalf of a union.

Engaging in protected concerted activities. Generally, "protected concerted activity" is group activity that seeks to modify wages or working conditions.

PERA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, joining or assisting a labor employee or organization for collective bargaining purposes, or engaging in concerted activities, or refraining from any such activity. Similarly, labor employee or organization may not restrain or coerce employees in the exercise of these rights.

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### Examples of Employer Conduct That Violate PERA Are:

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Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.

Transferring, laying off, terminating or assigning employees more difficult work tasks because they engaged in union or protected concerted activity.

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### Examples of Union Conduct That Violate PERA Are:

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Threats to employees that they will lose their jobs unless they support the union's activities.

Refusing to process a grievance because an employee has criticized union officers. Seeking the discharge of an employee for not complying with an agency shop agreement, when the employee has paid or offered to pay an agency fee.

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### What We Do Not Do.....

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### We do not enforce –

Various federal and state laws, for example:

- Wage and Hour Act
- Fair Labor Standards Act
- Wage Garnishment Provisions of Various Statutes
- Davis-Bacon and Related Acts
- Contract Work Hours and Safety Standards Act
- Unemployment Compensation Statutes
- Worker's Compensation Statutes
- Equal Employment Statutes

## How To File

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ULP charges are initiated by filing a charge also called an “accusation” or “complaint.” You may provide documentation to support your charge, such as a collective bargaining agreement, memoranda, or letters.

If you file a charge, you should be prepared to provide the name, address, telephone number, facsimile machine number and representative of the employer or labor employee or organization against whom you are filing the charge. You must state your current address, telephone number and facsimile machine number. In addition, you must explain the nature of your complaint, make a statement that the facts you provide are true to the best of your knowledge, and sign the form before a notary.

A charge must contain the items listed in 8 AAC 97.220(b):

- (1) the name of the respondent against whom the complaint or accusation is made;
- (2) a plain and concise description of the alleged violation including the date or dates of the alleged violation and, if possible, the name, address and telephone and facsimile numbers of each person who is alleged to have committed the violation;
- (3) the name, affiliation, address, telephone and facsimile machine numbers of the party filing the complaint or accusation, and a statement of the capacity in which that party is acting;
- (4) the statute or regulation that the respondent is alleged to have violated;
- (5) a sworn and notarized statement by the party or representative of the party, signing the complaint or accusation that to the best of that person’s

information and belief the statements in the complaint or accusation are true.

The charge must be mailed to the respondent and the Labor Relations Agency. If the state is the respondent, it must also be mailed to the office of the Attorney General, and the Commissioner of Administration. A charge will be considered filed on the date of receipt by the Agency. A charge form is available on-line from this Agency for your convenience at:

[Http://www.labor.state.ak.us/laborr/forms.htm](http://www.labor.state.ak.us/laborr/forms.htm)

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## What Can You Expect If You File A Charge?

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After the charge is filed, an investigator will contact you. You may have provided evidence, including letters, memoranda, or sworn statements, at the time you filed the charge. If not, you will be asked for evidence in support of the charge.

If the evidence warrants continuation of the investigation, the investigator may contact other witnesses and the charged union or employer.

If the investigator believes the charge may be resolved through informal means of conference, conciliation, and persuasion, the investigator may attempt to do so. Nothing said or done during these discussions may be used in a later hearing.

Following the investigation, the investigator will review the evidence to determine whether probable cause exists to support an unfair labor practice charge. If it appears that no violation has occurred, the Agency will dismiss your charge. You will then have the opportunity, if you wish, to appeal the dismissal to the Alaska Labor Relations Board, under 8AAC 97.250.

If after reviewing the evidence it appears that a violation has occurred, the complaint will be assigned to a hearing officer. A formal complaint called a Notice of Accusation will be issued against the charged party and the case will be set for a hearing before a hearing officer or the members of the Alaska Labor Relations Agency Board. During the hearing you will be able to present evidence concerning your charge. The hearing and its review by the courts will determine what, if any, remedy you may receive as a result of your charge.

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**Alaska Labor Relations Agency  
1016 West 6<sup>th</sup> Avenue, Suite 403  
P.O. Box 107026  
Anchorage, Alaska 99510-7026  
Telephone No. (907) 269-4895  
Fax No. (907) 269-4898**

**Web Site:  
[Http://www.labor.state.ak.us/laborr/home.htm](http://www.labor.state.ak.us/laborr/home.htm)**

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