*** DO NOT WRITE IN THIS BOX (For Internal Use Only)***
Case No.:
Date Filed:

NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD
• Private Sector •

PETITION FOR REPRESENTATIONAL INVESTIGATION

UNIT CLARIFICATION AND/OR PLACEMENT

Instructions:

- If you are unsure whether this form applies to you, please first review the "Guide for Parties Representing Themselves under the SERA," which is located on our website here.
- Answer every question completely.
- If more space is required, attach additional sheets, noting the item number(s) in your response.
- File the form by email to sera@perb.ny.gov; by mail to New York State Public Employment Relations Board, The Electric Tower, Suite 302, 535 Washington Street, Buffalo, NY 14203.

Purpose of this form: (Check the appropriate line.)

A. ____ Unit Clarification – a position is encompassed within the scope of an existing unit.

B. ____ Unit Placement – a position should be placed into an existing unit pursuant to the criteria set forth in Section 705 of the Act.

The Petitioner is: ☐ Labor/Employee Organization ☐ Employer

1. Petitioner		
Name, Affiliation & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:
2. Petitioner's Attorney or Other Representative, if any One with whom PERB should communicate about this matter and who will accept service of papers on Petitioner's behalf.		
Name & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:
3. Respondent Employer or Labor/Employee Organization		
Name & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:

4. Describe the general nature of the employer's business.

5. (a) Describe the negotiating unit(s) which may be affected by the petition. Include job titles and classifications, and number of employees in such unit(s). If the bargaining unit is certified, identify the existing certification.

(b) Attach a copy of the most recent contract for the negotiating unit(s).

6. Set forth a clear and concise statement of the details of and the reasons for the proposed clarification or placement. Include the job title and classification, job description and number of employees in each position which is the subject of the petition.

7. Identify any currently recognized or certified negotiating agent or any other employee organization(s) which may be affected by this petition.

8. **Jurisdiction if not an Agricultural Employer[1] –** If the Employer is ***not*** an agricultural employer, please answer the following questions on jurisdiction:

a. The National Labor Relations Act (NLRA) is a federal law that applies to most private sector employers. The State Employment Relations Act (SERA) is a New York State law that applies only where the federal law, the NLRA, does not. PERB has jurisdiction only with respect to the SERA.

Has the National Labor Relations Board accepted or declined jurisdiction over the Employer?

☐ Accepted ☐ Declined ☐ Unknown

b. If the NLRB has not declined jurisdiction over the Employer,[2] please provide any information you have concerning the approximate percentage and volume of sales to, and purchases from, points outside New York State:

SALES to points outside NYS:

- Approximate value: $ _____
- Approximate volume of Employer's total sales: _____%

PURCHASES from points outside NYS:

- Approximate value: $ _____
- Approximate volume of Employer's total purchases: _____%

c. If there are any other facts concerning interstate commerce and potential jurisdiction of PERB, please provide them.

[1] Agricultural employers are explicitly under the jurisdiction of the SERA, which was specifically amended to cover agricultural employers and farm laborers under the Farm Laborers' Fair Labor Practices Act (FLFLPA) and the SERA.

[2] If you are unsure whether the NLRA would apply, before submitting this Petition to PERB, you are strongly encouraged to seek guidance from the NLRB or to research its jurisdictional standards, which are discussed on its website.

SUPPORTING DECLARATION

I, the undersigned, declare that I am the Petitioner named above, or their Representative, and that I have read the above petition consisting of this and the attached additional page(s), and that I am familiar with the facts alleged therein, which facts I know to be true, except as to those matters alleged on information and belief, which matters I believe to be true. I declare the contents of this petition to be true and correct under penalty of perjury under the laws of the State of New York.

Signature: _____

Name: _____

Title: _____

Date: _____