



\*\*\* **DO NOT WRITE IN THIS BOX (For Internal Use Only)**\*\*\*

Case No.:

Date Received:

**NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD**  
• Private Sector •

**UNFAIR LABOR PRACTICE CHARGE FORM**

**Instructions:**

- If you are unsure whether this form applies to you, please first review the "Guide for Individuals 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](mailto:sera@perb.ny.gov); by mail to New York State Public Employment Relations Board, P.O. Box 2074, ESP Agency Bldg 2, Floor 18, Albany, NY 12220-0074; or by fax to (518) 457-2664.

**Purpose of this form:** To allege that an employer, employee(s), and/or labor organization has engaged in, and/or is engaging in, unfair labor practices within the meaning of Section 704 and/or 704-b of the New York State Employment Relations Act ("SERA") ([Click here to read the SERA](#)).

**The Charging Party** (the party making this charge) is:  Employee/Labor Organization     Individual     Employer

**1. Charging Party**

Name & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:

**2. Charging Party's Attorney or Other Representative, if any**

One with whom PERB should communicate about this matter and who will accept service of papers on Charging Party's behalf

Name & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:

**3. Respondent Employer, Labor/Employee Organization, or Farm Laborer Against Which this Charge is Brought**

Name & Address (include number, street, city, state, zip code):	Telephone number (include area code):	Email address:

**4. Employer's Business**

General nature of Employer's business:	Approximate total number of employees:  _____
General nature of work performed by employees involved in this charge:	Is Employer an agricultural employer?  <input type="checkbox"/> Yes <input type="checkbox"/> No

**5. Violations Alleged:**

- a. Pursuant to Section 706 of the New York State Employment Relations Act ("SERA"), the Charging Party hereby alleges that the above-named Respondent has engaged in, or is engaging in, an improper practice within the meaning of the following subsections [of the SERA](#):

**Check the subsection(s) allegedly violated; you may check more than one:**

- |                                       |                                  |   |
|---------------------------------------|----------------------------------|---|
| <input type="checkbox"/> 704(1)       | <input type="checkbox"/> 704(5)  | <input type="checkbox"/> 704-b(1) – FLFLPA/Agricultural only    |
| <input type="checkbox"/> 704(2)       | <input type="checkbox"/> 704(6)  | <input type="checkbox"/> 704-b(2)(a) – FLFLPA/Agricultural only |
| <input type="checkbox"/> 704(3)(a)(1) | <input type="checkbox"/> 704(7)  | <input type="checkbox"/> 704-b(2)(b) – FLFLPA/Agricultural only |
| <input type="checkbox"/> 704(3)(a)(2) | <input type="checkbox"/> 704(8)  |   |
| <input type="checkbox"/> 704(3)(b)    | <input type="checkbox"/> 704(9)  |   |
| <input type="checkbox"/> 704(3)(c)    | <input type="checkbox"/> 704(9)  |   |
| <input type="checkbox"/> 704(4)       | <input type="checkbox"/> 704(10) |   |
|                                       | <input type="checkbox"/> 704(11) |   |

- b. Specify **in detail** the alleged violation(s) – please specify what happened and how it violated the SERA. Include names, dates, times, places, and the particular actions constituting each violation. Please include the titles and work locations of the individuals involved in the alleged unfair labor practice(s).

**Attach additional sheets, if necessary. Failure to supply sufficient factual detail may result in a delay in processing or a dismissal of the charge.** You must label/explain each attached exhibit and document. Your charge may not consist solely of attachments.

- c. If you are alleging that any employee(s) has been discharged, refused employment, or suffered discrimination in violation of [Section 704 and/or 704-b of the SERA](#), please specify their name(s):

**6. Jurisdiction of Employers Which Are Not Agricultural Employers<sup>1</sup>** – 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 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,<sup>2</sup> please provide any information you may 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 here:

**SUPPORTING DECLARATION**

I, the undersigned, declare that I am the Charging Party named above, or their Representative, and that I have read the above charge 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 charge to be true under penalty of perjury under the laws of the State of New York.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> 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 State Employment Relations Act ("SERA").

<sup>2</sup> If you are unsure of whether the NLRA would apply, before submitting this Unfair Labor Practice Charge Form to PERB, you are strongly encouraged to seek guidance from the NLRB or research its jurisdictional standards, which are discussed on its website.