

**INSTRUCTIONS FOR FILING PRIVATE SECTOR
UNFAIR LABOR PRACTICE CHARGE**

Confirm You are Using the Correct Unfair Labor Practice Form

The Employment Relations Board (ERB) has four different unfair labor practice 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 for Private Sector Unfair Labor Practice Charge

To file a private sector unfair labor practice charge, you must serve a copy of the charge on the respondent. OAR 115-070-0000(4). To serve a charge, send a copy to the respondent or its attorney of record. Documents may be served by mail, email, facsimile, or in person. OAR 115-010-0033.

You also must submit the following to ERB:

1. A complete and signed unfair labor practice form;
2. A statement of claims;
3. A certificate of service, certifying that you served a copy of the charge on the respondent; and
4. A \$300 complaint filing fee.

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

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

Fill Out the Private Sector Unfair Labor Practice Charge Form

Section 1: The “Charging Party” is the party that is filing the charge. Provide the charging party’s name and contact information.

Section 2: The Charging Party’s Representative: If the charging party 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 party against whom the charge 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: Briefly describe the nature of the respondent’s business.

Section 6: Identify each section and sub-section of the private sector labor-management relations law, ORS 663.005-663.295, that you allege the respondent violated.

Section 7: This section describes the requirements for the “Statement of Claims” that must be filed with the charge. 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 Charge

You must sign and date the charge form. By signing the charge form, you are certifying that all of the statements in the Charge (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 the Oregon private sector labor-management relations law, ORS 663.180 through 663.295, and ERB’s administrative rules, specifically in Division 10 (general rules) and Division 70 (unfair labor practice charges in private employment). A copy of these laws and rules are available in the ERB RuleBook, which is posted on ERB’s website: <http://www.oregon.gov/erb>.

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.