

Unfair Labor Practice FAQ

What do I need to know to file a complaint?

Does PERC have authority over my complaint?

The Commission only has authority over collective bargaining rights for public sector employees in Washington State. PERC does not have authority over private sector employees, or non collective-bargaining issues. If PERC does not have authority over your complaint, you may contact the following organizations:

- Private Sector employees
 - National Labor Relations Board at 206.220.6300 or www.nlr.gov
- Discrimination Complaints (except on the basis of union activities as noted below)
 - Human Rights Commission at 800.233.3247 or www.hum.wa.gov
 - Equal Employment Opportunity Commission at 800.669.4000 or www.eeoc.gov
- Employment Standards/Workplace Rights
 - Department of Labor and Industries at 866.219.7321 or www.lni.wa.gov

Who can file a complaint?

- Unions may file a complaint concerning employees it represents or is seeking to represent.
- Employers may file a complaint against a union that represents employees or is seeking to represent employees.
- Individual employees may file complaints alleging “interference”, “domination” or “discrimination” violations against either the Employer, Union or both.

On what basis can an individual employee file a complaint?

Employees may file a complaint on the basis of:

- Interference - To interfere with, restrain, or coerce employees in the exercise of their collective bargaining rights.
- Domination or Assistance - To control, dominate, or interfere with a bargaining representative.
- Discrimination – To deprive rights, benefits, or status in reprisal for union activities.

What is the time limit for filing an Unfair Labor Practice Complaint?

A complaint must be filed within 6 months from the date the complainant knew or should have known of the alleged violation.

Will PERC represent me or provide me with an attorney?

No. PERC staff is strictly neutral and can only answer questions about rules and procedures, and cannot provide legal advice.

Do I need to hire an attorney?

You are not required to have an attorney. If you do not hire an attorney it is recommended that you:

- Study the statute and rules.
- Review your claims and evidence.
- Make your own decision whether to hire an attorney at your own expense.

Can we discuss settlement without having a hearing?

Yes, parties may request a settlement conference for an unfair labor practice complaint. That settlement conference is assigned to a separate PERC mediator. See WAC 391-45-260 for more information.

What happens after a case is filed?

How is an unfair labor practice case processed?

- A complaint is reviewed to determine whether it alleges a violation under PERC's authority and a ruling is issued generally within 15 days after filing.
- If it is determined to be under PERC's authority, an assignment letter is sent to the parties and an Examiner contacts the parties generally within 2 weeks to schedule a hearing.
- The hearing is scheduled based on the availability of the parties.
- It generally takes a court reporter 15 – 30 days to prepare a written transcript of the hearing following the close of the hearing, depending on the number of hearing days.
- The parties generally have 30 days to file closing briefs to Examiner following completion of the written transcript.
- PERC will typically issue a written decision 90 days after the closing briefs are filed.

What happens at an unfair labor practice hearing?

A hearing is similar to a trial before a judge. The PERC Examiner acts as an Administrative Law Judge. Parties must provide evidence through testimony of witnesses and exhibits regarding the disputed issues.

When and how will I be informed of PERC's decision?

After the hearing, PERC will issue a written decision based on the evidence presented at the hearing. A decision is typically issued 90 days after the closing briefs are filed. PERC staff cannot provide any information about the content of a decision until it is officially issued. Once issued, the decision is mailed to the parties on the case and posted on the PERC website: www.perc.wa.gov.

Can my union or employer retaliate against me for filing a complaint?

It is illegal for a public employer or union to retaliate against a public employee who files a complaint or gives testimony at a PERC hearing.