

Agricultural Employment Relations Board

1688 West Adams Street
Phoenix, Arizona 85007
(602) 542-1164

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NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING PROCEDURES:

Right to be represented by counsel – Any party has the right to be represented by counsel in any proceeding before the Agricultural Employment Relations Board and the courts. In the event you wish to have counsel appear on your behalf, please have your counsel complete a Notice of Appearance and forward it to the Board.

Service of Documents – If you designate counsel, your counsel will be the only one receiving official copies of formal documents and written communications from the Board. Official service to your counsel counts as service of documents on you.

Impartial investigation to determine whether charge has merit – Immediately upon receipt of a charge, the Board's General Counsel conducts an impartial investigation to obtain all the facts that are material and relevant to the charge. In order to determine whether the charge has merit, the General Counsel interviews the available witnesses. Your active cooperation in making witnesses available and stating your position will be most helpful to the Board.

The General Counsel seeks evidence from all parties. Naturally, if only the charging party cooperates in the investigation, a situation results whereby the evidence presented by the charging party may warrant the issuance of a complaint, in the absence of any explanation from the party charged with having violated the law. Your active cooperation will result in disposing of the case at the earliest possible time, whether the case has merit or not. You have the right to answer the charge against you.

If the charge has merit, the matter may be voluntarily settled – If the General Counsel determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary settlement. The General Counsel and members of the Board staff are always available to discuss settlement of the case at any stage and will be pleased to receive and act promptly upon any suggestions or comments concerning settlements.

Voluntary settlement after issuance of complaint – If settlement is not obtained, the General Counsel will issue a complaint, which is the basis for litigating the matter before the board and courts. However, issuance of a complaint does not mean that the matter cannot still be disposed of through voluntary settlement by the parties. On the contrary, at any stage of the proceeding the General Counsel and Board staff will be pleased to render any assistance in arriving at an appropriate settlement, thereby eliminating the necessity of costly and time-consuming litigation.