

Agricultural Employment Relations Board

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

CHARGE AGAINST LABOR ORGANIZATION

Instructions: Please complete the form in full. Failure to provide required information may result in the charge not being processed.¹

This document is available in Spanish upon request. Este documento esta disponible en Espanol

You must file this form with the Agricultural Employment Relations Board, 1688 W. Adams, Phoenix, Arizona, 85007. You may file the charge in person between 8:00 am and 5:00 pm, Monday-Friday, except Arizona legal holidays. You may also file the charge by mail to the same address. The charge is considered filed when it is received by the Board.

1. Name of Labor Organization _____

2. Address/Labor Organization _____

3. *Labor Organization Representative _____

4. *Labor Organization Phone Number _____

5. Describe in detail the facts of the alleged unfair labor practices. Attach additional sheet if necessary (See A.R.S. § 23-1385 (B) 1-13 attached) _____

¹ Information designated with an asterisk (*) is not required by A.A.C. § R4-2-302(A) in order for the Board to process the charge. It is requested only to aid the Board in processing the petition. Failure to provide this information will not prevent the processing of the charge, but may slow down the process.

For Board use only: Date Received: _____
Case Number: _____

- 6. *Name of Party Filing Charge* _____
- 7. *Address of Party Filing Charge* _____

- 8. **Representative of Party Filing Charge* _____
- 9. *Phone Number of Party Filing Charge* _____
- 10. **E-mail Address of Party Filing Charge* _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF

Name of Party

Job Title

Address

Phone Number

Signature

Date

A.R.S. § 23-1385(B)1-13 Unfair labor practices; definition

B. It is an unfair labor practice for a labor organization or its agents to:

1. Impose any economic sanction, to restrain or coerce agricultural employees in the exercise of their rights or to coerce or intimidate any employee in the enjoyment of his legal rights provided by this article, or to intimidate his family, picket his domicile or injure the person or property of any employee or his family. This paragraph does not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership.

2. Threaten or impose any economic sanction or reprisal against any person who is not a member of the labor organization in the exercise of rights under this article, including but not limited to the right to refrain from any or all concerted activity, or against any person, who is not a member of the labor organization, who refrains from compliance with a union rule, policy or practice that establishes or affects wages, hours or working conditions at such person's place of employment.

3. Restrain, coerce, or threaten or impose any fine or other economic sanction against any person who invokes the processes of the board, or the court, or against an agricultural employer or employee in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances.

4. Refuse to bargain collectively with an agricultural employer, provided it is the majority representative of his agricultural employees as determined pursuant to section 23-1389.

5. Cause or attempt to cause an agricultural employer to:

(a) Pay or deliver or agree to pay or deliver any money or other thing of value for services that are not performed or that are not to be performed.

(b) Establish or alter the number of employees to be employed or the assignment of the employees.

(c) Assign work to the employees of a particular employer.

(d) Discriminate in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. Nothing in this subdivision prohibits agreements between labor organizations and agricultural employers that regulate hiring and tenure of employment on the basis of seniority, and the labor organization is not given power to determine seniority unilaterally.

6. Engage in a secondary boycott as defined in section 23-1321.

7. Induce or encourage or threaten, restrain or coerce any secondary employer or any executive or management employee of any secondary employer to make a management decision not to handle, transport, process, pack, sell or distribute any agricultural commodity of an agricultural employer with whom a labor dispute exists.

8. Induce or encourage the ultimate consumer of any agricultural product to refrain from purchasing, consuming or using such agricultural product by the use of dishonest, untruthful and deceptive publicity. Permissible inducement or encouragement within the meaning of this section means truthful, honest and nondeceptive publicity that identifies the agricultural product produced by an agricultural employer with whom the labor organization has a primary dispute. Permissible inducement or encouragement does not include publicity directed against any trademark, trade name or generic name that may include agricultural products of another producer or user of such trademark, trade name or generic name.

9. Restrain, coerce or threaten an ultimate consumer to prevent him from purchasing, consuming or using such agricultural product.

10. Threaten or engage in arson, libel, slander, injury to person or property or other violent conduct if the objective is to prevent the preparing for market, transporting, handling, displaying for sale, or selling of any agricultural product.

11. Intimidate, restrain or coerce agricultural employers in the exercise of the rights guaranteed by section 23-1384.

12. Picket or cause to be picketed, boycott or cause to be boycotted, or threaten to boycott or picket, or cause to be boycotted or picketed, any agricultural employer if the objective is to induce, encourage, force or require an agricultural employer to recognize or bargain with a labor organization as the representative of his agricultural employees, or the agricultural employees of an agricultural employer to accept or select such labor organization as their collective bargaining representative unless such labor organization is currently certified as the representative of such employees:

(a) If the agricultural employer has lawfully recognized in accordance with this article any other labor organization and a question concerning representation may not appropriately be raised under section 23-1389.

(b) If within the preceding twelve months a valid election under section 23-1389 has been conducted.

(c) If a petition has been filed under section 23-1389.

13. Call a strike unless a majority of the employees within the bargaining unit has first approved the calling of such a strike by secret ballot.