

NOTICE OF PUBLIC SCHOOL EMPLOYEES PRESUMED TO BE ON STRIKE

MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
Employment Relations Commission

Instructions to Public School Employer or Superintendent of Public Instruction:

File this notice, including Form A and Form B, with a supporting affidavit and other attachments required by Commission Rule 423.192a **within five business days** of notification from the Commission of its finding that conditions constituting a strike exist. A separate copy of Form B must be completed for each public school employee named on Form A.

On an attached sheet, you must provide an affidavit signed and dated by an agent of the public school employer or the superintendent of public instruction, that states: (1) how the affiant has personal knowledge of the facts recited in the affidavit; and (2) detailed information regarding each public school employee alleged to have participated in the strike in accordance with Commission Rule 423.192a(2). The affidavit must be supported by specific facts and available documentary evidence.

The notice and supporting affidavit may be filed electronically in accordance with the Michigan Employment Relations Commission Electronic Transmission Policy, which is posted at the [Michigan Employment Relations Commission website www.michigan.gov/merc](http://www.michigan.gov/merc). If the notice and the supporting affidavit are not filed electronically, an **original** and **2 copies** of each document must be delivered to the Employment Relations Commission at the Cadillac Place , 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit, Michigan, 48202-2988. At the same time, three sets of mailing labels containing the names and home addresses of the public school employees presumed to have engaged in a strike and an electronic copy of the mailing list in .csv format must be filed with the Commission.

The public school employer or superintendent of public instruction shall serve a copy of Form A and the affidavit on each public employee named on that form. The public school employer or superintendent of public instruction shall serve a copy of Form B on the individual public employee named on that form. Service may be made by hand delivery, email, fax, registered, certified, or regular mail, or private delivery service. **A statement of service in accordance with Commission Rule 423.182 attesting to service of the notice and the affidavit on each named public school employee must be served on each public school employee named on Form A and filed with this notice.**

**NOTICE OF PUBLIC SCHOOL EMPLOYEES PRESUMED TO BE ON
STRIKE –FORM A**

MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC OPPOTUNITY
Employment Relations Commission

	Name of employee alleged to have participated in strike	Date or dates of alleged strike participation
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
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21.		
22.		
23.		

Form A must be served on each public school employee who is presumed to have participated in the illegal strike and filed with the Commission

	Name of employee alleged to have participated in strike	Date or dates of alleged strike participation
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
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41.		
42.		
43.		
44.		
45.		

* Use additional sheets if necessary.

NOTICE OF PUBLIC SCHOOL EMPLOYEES PRESUMED TO BE ON STRIKE –FORM B

MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
Employment Relations Commission

On _____, a Notice of Public School Employee Strike was filed by _____ alleging that public school employees of the _____ School District participated in an illegal strike on _____. After a public hearing on the matter, the Michigan Employment Relations Commission found that an illegal strike occurred at _____ on _____ in violation of Section 2 of the Public Employment Relations Act (PERA), MCL 423.202.

You have received this Notice because you are presumed to have engaged in an illegal strike. Statutory penalties are being sought.

You have the right to challenge the presumption that you were engaged in an illegal strike. To do so, you must file an answer to this notice **within 10 days** of the date this notice was served on you. Your answer must be on a form furnished by the Commission, which is available at [Michigan Employment Relations Commission website at www.michigan.gov/merc](http://www.michigan.gov/merc). Your answer must be accompanied by an affidavit signed and dated by you. The affidavit must state that you have personal knowledge of the facts recited in the affidavit and must contain a clear and concise statement of the facts upon which you intend to rely at hearing to rebut the presumption that you engaged in a strike in violation of Section 2 of PERA.

You must file an **original and two copies** of your answer and affidavit with the Commission, unless your answer and affidavit are filed electronically in accordance with the Michigan Employment Relations Commission Electronic Transmission Policy, which is posted at the [Michigan Employment Relations Commission website](http://www.michigan.gov/merc). Your answer and affidavit must be received by the Employment Relations Commission at the Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit, Michigan, 48202-2988 before the close of business **on the 10th day after the date this notice was served on you** as indicated on the statement of service. At the time you file your answer and affidavit, you must also serve a copy of your answer and affidavit on the opposing party and file a statement of service in accordance with Commission Rule 423.182.

PUBLIC SCHOOL EMPLOYEE ALLEGED TO BE ON STRIKE

Name _____
Home Address: _____
City _____ State _____ ZIP Code _____
Cell or Daytime Phone _____ Email address _____
Date or Dates of Alleged Strike Participation _____ Daily Rate of Pay _____

Verification by Public School Employer or Superintendent of Public Instruction

I have read this Notice of Public School Employees Presumed to Be on Strike and it is true and accurate to the best of my knowledge and belief.

Signature of Representative _____

Print Name and Title _____

Date _____

Statement of Service of Notice of Public School Employees Presumed to Be on Strike

I served this Notice of Public School Employees Presumed to Be on Strike and the supporting affidavit on Mr./Ms. _____ on (date) _____ by (check one): hand delivery , email , fax , U.S. mail , private delivery service at (place of service) _____

Signature _____

Print Name and Title _____

Date _____