

HOW TO FILE AN UNFAIR LABOR PRACTICE CHARGE

By statute, an unfair labor practice charge (charge) must be filed with MERC and served on the opposing party(ies) within six months from the date of the alleged violation or it will be dismissed. *Note: Not every workplace action that you view as "unfair" constitutes an unfair labor practice (ULP) under MERC's authority.* For an explanation of what constitutes a ULP by an employer or union, refer to our "Frequently Asked Questions" information sheets on the MERC web-site located at www.michigan.gov/merc. To file a ULP charge, follow the instructions below using the charge form downloaded from our website, or obtained from the MERC office in Detroit or Lansing.

1. **Section 1.** Indicate whether your employer is in the public (governmental) or private sector. If your charge is against the employer, indicate the employer's name and address in this section. *Note: MERC does not have jurisdiction over employees of the state or federal government.*
2. **Section 2.** If your charge is against the union, indicate the name and address of your union. *If filing charges against both your employer and union, you must file two separate charge forms.*
3. **Section 3** refers to the ULP violation(s). The Commission's Administrative Rules are available on our web-site at www.michigan.gov/merc, along with the "MERC Guide" that provides a summary explanation of various aspects of the ULP charge process.
 - ULP charges filed against public sector employers and unions representing public sector employees, in most cases, fall under MERC's jurisdiction and are governed by the Public Employment Relations Act. If your charge is against a public sector employer or a union representing public sector employees, cross out "Labor Mediation Act."
 - ULP charges filed against private sector employers that fall within MERC's jurisdiction are governed by the Labor Mediation Act. Because the National Labor Relations Board (NLRB) retains jurisdiction over most unfair labor practices in the private sector, you should check with the NLRB before filing a charge with MERC to avoid statute of limitations problems. For more information refer to the "Frequently Asked Questions" information sheets on our website, or contact the NLRB directly at www.nlr.gov or by phone at 313-226-3200 or 866-667-6572.
 - For charges filed against a private sector employer or a union representing private sector employees in MERC's jurisdiction, cross out the phrase "Public Employment Relations Act)."
 - On a separate sheet that you attach to the charge form, **clearly** and **concisely** indicate the facts supporting your ULP claim(s) including relevant names, dates, locations, and other pertinent details. Do not include supporting documents or exhibits with the charge; you will have an opportunity to present them if a hearing or other action is scheduled.
4. **Section 4.** Type or print your name, mailing address and valid contact number(s).
5. **Section 5. List any pending related MERC cases.**
6. Complete the remaining information in the box below Section 5 and sign the charge form. File the signed original charge plus four copies with the MERC office in Detroit or Lansing. (Be sure to maintain a copy for your records.) **IMPORTANT: You must serve a copy of the completed charge on the opposing party(ies) and attach a statement of service indicating that you have done so when filing your charge with MERC, or your charge will be dismissed.**
7. After the filing is complete, the charge will be reviewed and may be assigned to an Administrative Law Judge (ALJ) who notifies the parties of the next action.