

1520.05 Unfair Labor Practice Actions

Issued: January 1, 1994
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SUBJECT: Unfair Labor Practice Actions.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To provide a mechanism to ensure that departments are represented when charges of Unfair Labor Practices are filed against them.

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SUMMARY: This section specifies the procedure by which departments are provided representation when charges of unfair labor practices are brought against them.

APPLICABLE FORMS: None.

PROCEDURES:

Charged Department (Respondent):

- Notifies the OSE when served a copy of an unfair labor practice charge by the charging party. Civil Service Commission Rules require the “charging party” to file the charge with the State Personnel Director and simultaneously to serve a copy on the charged party.
- Receives a copy of the charge from the Civil Service Hearings Division. If the charging party fails to serve the department with a copy of the charge, that fact must be communicated to the OSE, as it can serve as grounds for eventual dismissal of the charges.

OSE:

- Prepares and transmits Appearance Letter to charging party, respondent and hearing officer.
- Schedules meeting with respondent to gather background information.

Respondent:

- Assigns an individual to gather information about the charge and to serve as a contact person for as aspects of defending the department from the charge. This person should have the authority to settle or compromise the charge on behalf of the department, if settlement or compromise would be in the best interest of the state as determined by the OSE.
 - Attends all meetings, pre-hearings and hearings, as requested by the OSE representative.
 - Also, is responsible for ensuring attendance of requested witnesses, on behalf of both the respondent and the charging party, as directed by the OSE representative.
