

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

OFFICE OF THE GENERAL COUNSEL



Charge Against a Labor Organization (Note: In order to file a charge against an employing office, you must file a separate form)		DO NOT WRITE IN THIS SPACE
VERSION 2019.03 Page 1		Case No. _____ Date Filed _____
1A. CHARGED LABOR ORGANIZATION Name: _____ Address: _____ Tel.#: () Ext. _____ Fax#: () _____	2A. CHARGING PARTY (LABOR ORGANIZATION, INDIVIDUAL, OR EMPLOYING OFFICE) Name: _____ Address: _____ Tel.#: () Ext. _____ Fax#: () _____	
1B. CHARGED LABOR ORGANIZATION CONTACT INFORMATION, IF DIFFERENT FROM ABOVE Name: _____ Address: _____ Tel.#: () Ext. _____ Fax#: () _____	2B. CHARGING PARTY (LABOR ORGANIZATION, INDIVIDUAL, OR EMPLOYING OFFICE), IF DIFFERENT FROM OR IN ADDITION TO ABOVE Name: _____ Address: _____ Tel.#: () Ext. _____ Fax#: () _____	
3. WHICH SUBSECTION(S) OF 5 U.S.C. 7116(B) AND/OR (C) DO YOU BELIEVE HAS/HAVE BEEN VIOLATED? [SEE REVERSE] _____		
4. TELL EXACTLY WHAT THE LABOR ORGANIZATION DID. START WITH THE DATE AND LOCATION, AND STATE WHO WAS INVOLVED, INCLUDING EMPLOYMENT TITLES. IF YOU NEED ADDITIONAL SPACE TO COMPLETE YOUR CHARGE, PLEASE WRITE "SEE ATTACHED" BELOW AND ATTACH A SEPARATE SHEET:		
5. Have you or anyone else raised this matter in any other procedure? <input type="checkbox"/> No; <input type="checkbox"/> Yes. If yes, where? [see reverse] _____		
6. I DECLARE THAT I HAVE READ THIS CHARGE AND THE INSTRUCTIONS ON THE REVERSE OF THIS FORM. THE STATEMENTS IN THIS CHARGE ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT. 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #1B VIA [place an "x" in the appropriate box(es)]: <input type="checkbox"/> Email; <input type="checkbox"/> Fax <input type="checkbox"/> 1 st Class Mail <input type="checkbox"/> In person <input type="checkbox"/> Commercial Delivery		
Electronic Signature By typing my name in the box below, I certify under penalty of perjury that the foregoing is true and correct to the best of my information and belief. Signature _____ Date _____		

INSTRUCTIONS FOR COMPLETING OCWR FORM 1351C (LABOR ORGANIZATION):

General:

Use this form if you are charging that a labor organization committed an unfair labor practice under paragraph (b) and or (c) of section 7116 of the Federal Service Labor Management Relations Statute, as applied by Section 220 of the Congressional Accountability Act. File an original form with the General Counsel of the Congressional Office of Congressional Workplace Rights (“OCWR”). The address and website of the OCWR are printed on the bottom of this form. It is your responsibility to ensure that a charge has been received by the OCWR. A charge is a self-contained document without a need to refer to supporting evidence and documents that are also submitted to the General Counsel along with the charge.

Instructions for filling out each numbered box:

#1A. Give the full name of the labor organization you are charging and the mailing address, telephone #, and fax # (if available). Include the street number, city, state, and zip code. If you are charging more than one labor organization with the same act, attach the required information on a separate sheet.

#2A. Give the full name of the union, individual, or employing office filing the charge and the mailing address, telephone #, and fax # (if available). If the charging party is a union and is affiliated with a national organization, give both the national affiliation and local designation. If the charging party is an activity, give the name of the activity, the employing office, and the department of which the activity is a part. If an employing office, give the name of the employing office and department.

#1B and #2B. This information is essential to the investigation of your charge as it tells us who is representing the parties. Be as specific and as accurate as possible. It will assist the investigation if you include your home as well as work telephone numbers in the space provided.

#5. Identify which one or more of the following subsections of 5 U.S.C. 7116(b) and/or (c) has or have allegedly been violated. List all sections allegedly violated:

7116. Unfair labor practices

- (b) For the purpose of this chapter, it shall be an unfair labor practice for a labor organization —
- (1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;
 - (2) to cause or attempt to cause an [employing office] to discriminate against any employee in the exercise by the employee of any right under this chapter;
 - (3) to coerce, discipline, fine, or attempt to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member’s work performance or productivity as an employee or the discharge of the member’s duties as an employee;
 - (4) to discriminate against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or no-preferential civil service status, political affiliation, marital status, or handicapping condition;
 - (5) to refuse to consult or negotiate in good faith with an [employing office] as required by this chapter;
 - (6) to fail or refuse to cooperate in impasse procedures and impasse decisions as required by this chapter;
 - (7) (A) to call, or participate in, a strike, work stoppage, or slowdown, or picketing of an [employing office] in a labor-management dispute if such picketing interferes with an [employing office]’s operations, or
(B) to condone any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or
 - (8) to otherwise fail or refuse to comply with any provision of this chapter.
- (c) For the purpose of this chapter it shall be an unfair labor practice for an exclusive representative to deny membership to any employee in the appropriate unit represented by such exclusive representative except for failure—
- (1) To meet reasonable occupational standards uniformly required for admission, or
 - (2) To tender dues uniformly required as a condition of acquiring and retaining membership.

This subsection does not preclude any labor organization from enforcing discipline in accordance with procedures under its constitution or bylaws to the extent consistent with the provisions of this chapter.

#6. It is important that the basis for the charge be BRIEF, COMPLETE, and FACTUAL, rather than opinion.

- Give dates and times of significant events as accurately as possible.
- Give specific locations when important, e.g., “The meeting was held in the auditorium of Building 36.”
- Identify who was involved by title, e.g., “Chief Steward Pat Jones” or “Lour Smith, the File Room Supervisor.”
- Tell what happened in chronological order.

#7. Indicate whether you or anyone else that you know of has raised this same matter in an internal grievance procedure.

#8. Unless filing electronically, type or print your name. Next, sign and date the charge attesting to the truth of the charge, and that you have served the charged party (individual named in box #1B). Indicate method of service by placing an “x” in one of the boxes.