

NOTICE AND CHARGE OF EMPLOYEE ORGANIZATION STRIKE IN VIOLATION OF CIVIL SERVICE LAW §210.1

DO NOT WRITE IN THIS SPACE

INSTRUCTIONS: File the original and three copies of this charge, with proof of service of a copy on the employee organization named below, with the Public Employment Relations Board, 80 Wolf Road, 5th Floor, Suite 500, Albany, NY 12205-2656. If you need more space for any item, attach additional sheets and number the item the same as on this form.

Case No. **D-**
Date Received:

TO THE EMPLOYEE ORGANIZATION NAMED BELOW:

PLEASE TAKE NOTICE that, pursuant to Civil Service Law § 210 and Part 206 of the Rules of Procedure of the Public Employment Relations Board (Rules), you are hereby charged with violating Civil Service Law § 210.1, in that you engaged in, caused, instigated, encouraged, or condoned a strike against the public employer named below. You have the right under Rule 206.5 (printed on the back of this form) to file an answer with the Board within 8 days after receiving this charge.

1. NAME OF PUBLIC EMPLOYER:

ADDRESS:

2. NAME OF CHARGING PARTY:

TITLE:

TELEPHONE:

ADDRESS:

3. NAME OF EMPLOYEE ORGANIZATION CHARGED:

ADDRESS:

4. DESCRIBE THE DETAILS OF THE CHARGE (On the back of this sheet, write a clear and concise statement of the facts that constitute the alleged violation of Civil Service Law § 210.1, including the names of the individuals involved, and the dates, times and places of occurrence of the alleged violation. Attach additional sheets if needed.):

YOU MUST COMPLETE BOTH SIDES OF THIS FORM.

DETAILS OF THE CHARGE

I declare that I have read the above charge and the statements made in the charge are true to the best of my knowledge and belief.

Dated: _____

Signature of Charging Party

Rule 206.5 Answer. (a) The employee organization against whom the charge is issued shall file with the board an original and three copies of an answer, with proof of service of a copy of the answer on all other parties, within eight days after receipt of a copy of the charge.

(b) The answer shall be in writing and signed.

(c) The answer shall contain a specific denial of each allegation of the charge contravened by the public employee organization, or of any knowledge or information thereof sufficient to form a belief. An allegation of the charge not specifically denied in the answer, unless the party affirms that it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and may be so found by the board. The answer shall also contain a statement of the facts constituting the grounds of defense. Allegation of any matter in the answer shall be deemed denied without necessity of a reply.

(d) If the party against whom the charge is issued fails to file an answer within the time or in compliance with the manner herein provided, such failure shall constitute an admission of the material facts alleged in the charge and an admission that the party violated subdivision (1) of section 210 of the act. Such failure shall also constitute a waiver of any claims which the party must raise by its answer under paragraph (f) of subdivision (3) of section 210 of the act. Upon such failure, a hearing shall be held only for the purpose of fixing the duration of the forfeiture.

2/3/09