

## Know your rights!

Under the Pennsylvania Public Employee Relations Act organizing and participating in a union organizing campaign is a protected action. Your employer does not have the right to ask you how are voting for a union or question your participation in a drive. Employers are not allowed to threaten employment or retaliate against you for exercising your right to organize.

If you feel Temple University might have crossed a line, or if your rights have been violated, do not hesitate to contact [TAUPAFT@aol.com](mailto:TAUPAFT@aol.com) and [unitedacademicsphilly@gmail.com](mailto:unitedacademicsphilly@gmail.com) for more information

## Public Employee Relations Act

(Act of July 23, 1970, P.L. 563, No. 195, as amended)  
(43 P.S., Sections 1101.101 to 1101.2301 inclusive)

### ARTICLE XII. Unfair Practices

**Section 1201.** (a) Public employers, their agents or representatives are prohibited from:

- (1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.
- (2) Dominating or interfering with the formation, existence or administration of any employe organization.
- (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization.
- (4) Discharging or otherwise discriminating against an employe because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.
- (5) Refusing to bargain collectively in good faith with an employe representative which is the exclusive representative of employes in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

- (6) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.
  - (7) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.
  - (8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.
  - (9) Refusing to comply with the requirements of "meet and discuss."
- (b) Employe organizations, their agents, or representatives, or public employes are prohibited from:
- (1) Restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.
  - (2) Restraining or coercing a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances.
  - (3) Refusing to bargain collectively in good faith with a public employer, if they have been designated in accordance with the provisions of this act as the exclusive representative of employes in an appropriate unit.
  - (4) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.
  - (5) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.
  - (6) Calling, instituting, maintaining or conducting a strike or boycott against any public employer or picketing any place of business of a public employer on account of any jurisdictional controversy.
  - (7) Engaging in, or inducing or encouraging any individual employed by any person to engage in a strike or refusal to handle goods or perform services; or threatening, coercing or restraining any person where an object thereof is to
    - (i) force or require any public employer to cease dealing or doing business with any other person or
    - (ii) force or require a public employer to recognize for representation purposes an employe organization not certified by the board.

(8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.

(9) Refusing to comply with the requirements of "meet and discuss."

### **ARTICLE XIII. Prevention of Unfair Practices**

**Section 1301.** The board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair practice listed in Article XII of this act. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement, law, or otherwise.

**Section 1302.** Whenever it is charged by any interested party that any person has engaged in or is engaging in any such unfair practice, the board, or any member or designated agent thereof, shall have authority to issue and cause to be served upon such person a complaint, stating the charges in the respect, and containing a notice of hearing before the board, or any member or designated agent thereof, at a place therein fixed not less than five days after the serving of said complaint. Any such complaint may be amended by the board, member or agent conducting the hearing at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person, or otherwise, to give testimony at the place and time set in the complaint. In the discretion of a member or agent conducting the hearing or of the board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding, the rules of evidence prevailing in courts of law or equity shall be followed but shall not be controlling.

**Section 1303.** Testimony shall be taken at the hearing and filed with the board. The board upon notice may take further testimony or hear argument. If, upon all the testimony taken, the board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair practice, the board shall state its findings of fact, and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair practice, and to take such reasonable affirmative action, including reinstatement of employes discharged in violation of Article XII of this act, with or without back pay, as will effectuate the policies of this act. Such order may further require such person to make reasonable reports, from time to time, showing the extent to which the order has been complied with. If, upon all the testimony, the board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair practice, then the board shall make its findings of fact and shall issue an order dismissing the complaint. A copy of such findings of fact, conclusions of law, and order shall be mailed to all parties to the proceedings.

**Section 1304.** Until a transcript of the record in a case shall have been filed in a court as hereinafter provided, the board may at any time, upon reasonable notice, and in such



manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it: Provided, That any agreement made between an employer and

a bona fide employe organization, and all the provisions thereof, shall be entitled to full force and effect unless the Board specifically finds that these provisions involve the commission of an unfair practice within the meaning of Article XII of this act.

**Section 1305.** The proceedings before the board or before any of its examiners shall be conducted with speed and dispatch. No findings shall be made on the basis of evidence relating to acts which occurred prior to the original passage of this act.

**Section 1306.** All cases in which complaints are actually issued by the board, shall be prosecuted before the board or its examiner, or both, by the representatives of the employe organization or party filing the charge, and, in addition thereto or in lieu thereof if the Department of Justice sees fit, by a deputy attorney general especially assigned to this type of case. No examiner shall have any other position with the government of this State or of the United States or with the Pennsylvania Labor Relations Board while in the employ of the board.