

Proposed Regulation
Amending Title 8, California Code of Regulations, sections 20164, 20166

It is proposed that section 20164, Service of Papers by the Board or on the Board and section 20166, Service on Others of Papers Filed with the Board, be amended in part or deleted in full and to now include or be replaced as follows:

(a) All documents referred to in these regulations requiring “service,” except subpoenas shall be considered “served” by the Board or a party when personally delivered, when deposited in the mail or with a delivery service properly addressed, when sent by facsimile transmission, in accordance with the requirements of section 20168, Provisions for Use of Facsimile Machines and Expedited Service, or when sent by electronic mail.

(a)(1) All documents required to be served shall include a “proof of service” declaration signed under penalty of perjury which contains the following information: (1) The name of the declarant; (2) the county and state in which the declarant is employed or resides; (3) a statement that the declarant is over the age of 18 years; (4) the address of the declarant; (5) a description of the documents served; (6) the method of service and a statement that any postage or other costs were prepaid; (7) the name(s), address(es) and, if applicable, fax number(s) or electronic mail address(es) used for service on the party(ies); and (8) the date of service.

(b) All documents may be served by electronic service except for charge against employer, charge against labor organization, petition for certification, petition for decertification, intervenor petition, runoff petition, cross petition, request for review of dismissal and all pleadings and/or document filings responsive thereto. The multiple copy requirements of section 20160, Place of Filing and Number of Copies to be Filed, are waived whenever documents are electronically served or filed.

(c) Electronic service of a document is authorized only when a party has agreed to accept service electronically in that action. A party indicates that the party agrees to accept electronic service by:

(1) Serving a notice on all parties that the party accepts electronic service and filing the notice with the Board. The notice must include the electronic mail address at which the party agrees to accept service; or

(2) Electronically filing any document with the Board. The act of electronic filing is evidence that the party agrees to accept service at the electronic mail address the party has furnished to the Board.

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(3) The act of electronic filing does not waive the signature requirements contained in sections 20150, Format of Pleadings and Papers, and 20155, Signing of Petitions, Pleadings, Motions, Applications, Requests, Responses, Briefs and Other Papers.

(d) Whenever “service” is required by the regulations, service shall be on all parties to the proceeding and shall be concurrent with the filing in question.