

TITLE 8. AGRICULTURAL LABOR RELATIONS BOARD

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS AND OF ADDITION OF DOCUMENTS TO RULEMAKING FILE

Pursuant to Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the Agricultural Labor Relations Board (ALRB or Board) provides this notice of changes made to the text of proposed regulations sections 20150, 20155, 20160, 20162, 20164, 20166, 20169, 20170, 20190, 20192, 20216, 20217, 20219, 20220, 20222, 20236, 20240, 20241, 20242, 20247.1, 20249, 20250, 20262, 20274, 20282, 20290, 20291, 20299, 20300, 20305, 20310, 20325, 20363, 20365, 20370, 20375, 20377, 20385, 20390, 20393, 20400, 20401, 20407, 20408, 20410, and 20910. The text of the regulations and proposed modifications are attached to this notice.

Also, pursuant to Government Code sections 11346.8, subdivision (d), 11346.9, subdivision (a)(1), and 11347.1, the Board provides this notice that documents the Board has relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment. The documents added to the rulemaking file are:

- Addendum to Initial Statement of Reasons in Support of Proposed Regulatory Action;
- California Code of Civil Procedure, § 1010.6, subdivision (g);
- California Rules of Court, rule 8.71;
- Fresno County Superior Court, Local rule 4.1.2(A);
- Monterey County Superior Court, Local Rule 1.6;
- Santa Cruz County Superior Court, Local Rule 1.3.01;
- California Code of Regulations, title 8, § 32110 [Public Employment Relations Board electronic filing regulation]; and
- 29 C.F.R. § 102.5(c) [National Labor Relations Board electronic filing rule].

Copies of these documents are included with this notice. These documents also are available for public inspection on the Board's web site at <<https://www.alrb.ca.gov/statutes-regulations/regulatory-activity/>> and at the Board's office from May 16, 2023, through May 31, 2023, between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

Santiago Avila-Gomez, Executive Secretary
Agricultural Labor Relations Board
1325 J Street, Suite 1900-B
Sacramento, CA 95814

Any interested person, or the representative of any interested person, may submit written comments relevant to the proposed modifications to the proposed regulatory text or the documents added to the rulemaking file. The written comment period closes on May 31, 2023, which is 15 days after the publication of this notice. The Board will consider only comments actually received by that time.

Comments may be submitted by email to Santiago.Avila-Gomez@alrb.ca.gov. Written comments also may be submitted to:

Santiago Avila-Gomez, Executive Secretary
Agricultural Labor Relations Board
1325 J Street, Suite 1900-B
Sacramento, CA 95814

All written comments received by May 31, 2023, which pertain to the indicated modifications or documents added to the rulemaking file will be reviewed by the Board, and the Board will summarize and respond to them in a Final Statement of Reasons as part of the compilation of the rulemaking file.

Copies of this notice of modifications to text of the proposed regulations and of addition of documents to rulemaking file, the modified proposed regulatory text itself in underline and strikethrough format, and the documents added to the rulemaking file can be accessed on the ALRB's web site at <https://www.alrb.ca.gov/statutes-regulations/regulatory-activity/> throughout the rulemaking process. Written comments received during the written comment period will also be posted on the ALRB's web site. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on the ALRB's web site following the Board's action.

Records Relied Upon in Support of Proposed Regulatory Action



CODE OF CIVIL PROCEDURE - CCP

PART 2. OF CIVIL ACTIONS [307 - 1062.20] (Part 2 enacted 1872.)

TITLE 14. OF MISCELLANEOUS PROVISIONS [989 - 1062.20] (Title 14 enacted 1872.)

CHAPTER 5. Notices, and Filing and Service of Papers [1010 - 1020] (Chapter 5 enacted 1872.)

(a) A document may be served electronically in an action filed with the court as provided in this section, in accordance with rules adopted pursuant to subdivision (h).

1010.6. (1) For purposes of this section:

(A) "Electronic service" means service of a document, on a person, by either electronic transmission or electronic notification. Electronic service may be performed directly by a person, including a party, by a person's agent, including the person's attorney, or through an electronic filing service provider, and by a court.

(B) "Electronic transmission" means the transmission of a document by electronic means to the electronic service address at or through which a person receives electronic service.

(C) "Electronic notification" means the notification of the person that a document is served by sending an electronic message to the electronic address at or through which the person receives electronic service, specifying the exact name of the document served, and providing a hyperlink at which the served document may be viewed and downloaded.

(D) "Electronic filing" means the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court's records, which are necessary for a document to be officially filed.

(2) If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.

(3) (A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

(i) A notice of intention to move for new trial.

(ii) A notice of intention to move to vacate judgment under Section 663a.

(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(4) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(5) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) (1) This subdivision applies to mandatory electronic service. The court may order electronic service on a person represented by counsel who has appeared in an action or proceeding.

(2) A person represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(3) Before first serving a represented person electronically, the person effecting service shall confirm the appropriate electronic service address for the counsel being served.

(4) A person represented by counsel shall, upon the request of any person who has appeared in an action or proceeding and who provides an electronic service address, electronically serve the requesting person with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(c) (1) This subdivision applies to electronic service by consent of an unrepresented person in a civil action.

(2) An unrepresented party may consent to receive electronic service.

(3) Express consent to electronic service may be given by either of the following:

(i) Serving a notice on all parties and filing the notice with the court.

(ii) Manifesting affirmative consent through electronic means with the court or the court's electronic filing service provider, and concurrently providing the party's electronic address with that consent for the purpose of receiving electronic service. The act of electronic filing shall not be construed as express consent.

(4) A person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form.

(5) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a person entitled to service.

(d) On and after July 1, 2024, in any action in which a party or other person is subject to mandatory electronic service under subdivision (b) or has consented to electronic service under subdivision (c), the court shall electronically transmit, to a person subject to mandatory electronic service or who consented to electronic service, any document issued by the court that the court is required to transmit, deliver, or serve. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (3) of subdivision (a).

(e) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (h) and the following conditions:

- (1) A document that is filed electronically shall have the same legal effect as an original paper document.
- (2) (A) When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:
- (i) The filer is the signer.
 - (ii) The person has signed the document pursuant to the procedure set forth in the California Rules of Court.
- (B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:
- (i) The person has signed a printed form of the document before, or on the same day as, the date of filing. The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form of the document bearing the original signature until final disposition of the case, as defined in subdivision (e) of Section 68151 of the Government Code, and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.
 - (ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.
- (3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a noncourt day shall be deemed filed on the next court day.
- (4) (A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.
- (B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.
 - (C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.
 - (D) If the court utilizes an electronic filing service provider or electronic filing manager to send the notice of rejection described in subparagraph (C), the electronic filing service provider or electronic filing manager shall promptly send the notice of rejection to the party or person who submitted the document. A notice of rejection sent pursuant to this subparagraph shall include the date the electronic filing service provider or electronic filing manager sent the notice.
 - (E) If the clerk of the court does not file a complaint or cross complaint because the complaint or cross complaint does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.
- (5) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records and shall electronically transmit a copy of the summons to the requesting party. Personal service of a printed form of the electronic summons shall have the same legal effect as personal service of an original summons.
- (6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court shall consider and determine the application in accordance with Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code and shall not require the party or attorney to submit any documentation other than that set forth in Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code. The court, an electronic filing service provider, or an electronic filing manager shall waive any fees charged to a party or the party's attorney if the party has been granted a waiver of court fees pursuant to Section 68631 of the Government Code or if the party is indigent or being represented by the public defender or court-appointed counsel. The electronic filing manager or electronic filing service provider shall not seek payment from the court of any fee waived by the court. This section does not require the court to waive a filing fee that is not otherwise waivable.
- (7) If a party electronically files a filing that is exempt from the payment of filing fees under any other law, including a filing described in Section 212 of the Welfare and Institutions Code or Section 6103.9, subdivision (b) of Section 70617, or Section 70672 of the Government Code, the party shall not be required to pay any court fees associated with the electronic filing. An electronic filing service provider or an electronic filing manager shall not seek payment of these fees from the court.
- (8) A fee, if any, charged by the court, an electronic filing service provider, or an electronic filing manager to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.
- (9) The court shall not charge fees for electronic filing and service of documents that are more than the court's actual cost of electronic filing and service of the documents.
- (f) (1) Except as provided in paragraph (2), if a trial court adopts rules conforming to subdivision (e), it may provide by order, subject to the requirements and conditions stated in paragraphs (2) to (4), inclusive, of subdivision (g), and the rules adopted by the Judicial Council under subdivision (i), that all parties to an action file documents electronically in a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules, provided that the trial court's order does not cause undue hardship or significant prejudice to any party in the action.
- (2) Unrepresented persons are exempt from any mandatory electronic filing imposed pursuant to this subdivision.
- (g) A trial court may, by local rule, require electronic filing in civil actions, subject to the requirements and conditions stated in subdivision (e), the rules adopted by the Judicial Council under subdivision (i), and the following conditions:

- (1) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.
 - (2) The court and the parties shall have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court. Any fees charged by an electronic filing service provider shall be reasonable. An electronic filing manager or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver.
 - (3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. The Judicial Council shall make a form available to allow a party to seek an exemption from mandatory electronic filing and service on the grounds provided in this paragraph.
 - (4) Unrepresented persons are exempt from mandatory electronic filing imposed pursuant to this subdivision.
 - (5) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code, is exempt from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.
- (h) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, and access to public records, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.
- (i) The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.
- (j) (1) Any system for the electronic filing and service of documents, including any information technology applications, internet websites and web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court, regardless of the case management system used by the trial court, shall satisfy both of the following requirements:
- (A) The system shall be accessible to individuals with disabilities, including parties and attorneys with disabilities, in accordance with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).
 - (B) The system shall comply with the Web Content Accessibility Guidelines 2.0 at a Level AA success criteria.
- (2) Commencing on June 27, 2017, the vendor or contractor shall provide an accommodation to an individual with a disability in accordance with subparagraph (D) of paragraph (3).
- (3) A trial court that contracts with an entity for the provision of a system for electronic filing and service of documents shall require the entity, in the trial court's contract with the entity, to do all of the following:
- (A) Test and verify that the entity's system complies with this subdivision and provide the verification to the Judicial Council no later than June 30, 2019.
 - (B) Respond to, and resolve, any complaints regarding the accessibility of the system that are brought to the attention of the entity.
 - (C) Designate a lead individual to whom any complaints concerning accessibility may be addressed and post the individual's name and contact information on the entity's internet website.
 - (D) Provide to an individual with a disability, upon request, an accommodation to enable the individual to file and serve documents electronically at no additional charge for any time period that the entity is not compliant with paragraph (1). Exempting an individual with a disability from mandatory electronic filing and service of documents shall not be deemed an accommodation unless the person chooses that as an accommodation. The vendor or contractor shall clearly state on its internet website that an individual with a disability may request an accommodation and the process for submitting a request for an accommodation.
- (4) A trial court that provides electronic filing and service of documents directly to the public shall comply with this subdivision to the same extent as a vendor or contractor that provides electronic filing and services to a trial court.
- (5) (A) The Judicial Council shall submit four reports to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. The first report is due by June 30, 2018; the second report is due by December 31, 2019; the third report is due by December 31, 2021; and the fourth report is due by December 31, 2023.
- (B) The Judicial Council's reports shall include all of the following information:
- (i) The name of each court that has implemented a system of electronic filing and service of documents.
 - (ii) A description of the system of electronic filing and service.
 - (iii) The name of the entity or entities providing the system.
 - (iv) A statement as to whether the system complies with this subdivision and, if the system is not fully compliant, a description of the actions that have been taken to make the system compliant.
- (6) An entity that contracts with a trial court to provide a system for electronic filing and service of documents shall cooperate with the Judicial Council by providing all information, and by permitting all testing, necessary for the Judicial Council to prepare its reports to the Legislature in a complete and timely manner.

(Amended by Stats. 2022, Ch. 215, Sec. 1. (AB 2961) Effective January 1, 2023.)



California Rules of Court

(Revised January 1, 2023)

Rule 8.71. Electronic filing

(a) Mandatory electronic filing

Except as otherwise provided by these rules, the *Supreme Court Rules Regarding Electronic Filing*, or court order, all parties are required to file all documents electronically in the reviewing court.

(Subd (a) amended effective January 1, 2020.)

(b) Self-represented parties

- (1) Self-represented parties are exempt from the requirement to file documents electronically.
- (2) A self-represented party may agree to file documents electronically. By electronically filing any document with the court, a self-represented party agrees to file documents electronically.
- (3) In cases involving both represented and self-represented parties, represented parties are required to file documents electronically; however, in these cases, each self-represented party may file documents in paper form.

(c) Trial courts

Trial courts are exempt from the requirement to file documents electronically, but are permitted to file documents electronically.

(d) Excuse for undue hardship or significant prejudice

A party must be excused from the requirement to file documents electronically if the party shows undue hardship or significant prejudice. A court must have a process for parties, including represented parties, to apply for relief and a procedure for parties excused from filing documents electronically to file them in paper form.

(e) Applications for fee waivers

The court may permit electronic filing of an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings.

(f) Effect of document filed electronically

- (1) A document that the court, a party, or a trial court files electronically under the rules in this article has the same legal effect as a document in paper form.
- (2) Filing a document electronically does not alter any filing deadline.

(g) Paper documents

When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or another means, the court may allow that party to file the document in paper form.

Rule 8.71 amended effective January 1, 2020; adopted effective January 1, 2017.

**LOCAL RULES FOR THE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**



**July 1, 2022
Publication**

Price: \$12.50

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F. Where these rules require notification by letter, to court or counsel, such notification may be by fax. The court has several fax numbers, and notification to a specific judge shall be addressed to him or her by name and shall be transmitted to the fax number nearest his or her chambers.

G. A list of fax numbers may be obtained from the Clerk by a fax request to (559) 457-1624, citing this rule. (Effective July 1, 2020; Rule 4.1.6 (now 4.1.1) renumbered effective January 1, 2021; adopted as Rule 20.6 effective July 1, 2000)

4.1.2 Electronic Filing

A. Mandatory Electronic Filing

Pursuant to Code of Civil Procedure § 1010.6(g), documents filed by represented parties or entities, including but not limited to an attorney representing the public interest such as the District Attorney's office, the Attorney General's office and the Department of Child Support Services, in all civil (including unlawful detainer initial filings), family law, and probate actions must be filed electronically unless the Court excuses parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service.

B. Permissive Electronic Filing of Charging Documents in Criminal Cases

1. Charging Documents in Criminal Cases: A prosecuting agency may electronically file charging documents. Specifically, the criminal complaint, information, and/or indictment, in adult or juvenile criminal cases may be filed electronically. Except as provided in part (B)(2) below regarding infraction cases, no other types of documents may be electronically filed in adult or juvenile criminal cases.

2. Permissive Electronic Filing for Infraction Cases: Any party to an infraction case, or law enforcement agency, may electronically file documents, unless prohibited under 4.1.2C, Prohibited Electronic Filing.

3. DSS Filings: Department of Social Services (DSS) may electronically file documents in dependency cases.

C. Prohibited Electronic Filing

No electronic filing is permitted for criminal or juvenile cases, other than those filings described in 4.1.2B, or subsequent filings into confidential case types including confidential name change, developmentally disabled and dangerous, forfeiture of confiscated weapon, involuntary medication, mental health, Murphy LPS conservatorship, petition to consent for medical treatment, petition for Electroconvulsive Therapy (ECT), Riese hearing, relief of firearm prohibition, TB petition, petition for consent LPS conservatorship, writ of habeas corpus, adoption, appointment of

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confidential intermediary, petition to declare minor free, petition to establish parental relationship, set aside declaration of paternity, surrogacy, termination of parental rights, and unseal birth records. This also includes probate and unlawful detainer subsequent filings if within the first sixty (60) days of the file date until such time the case is no longer confidential.

D. Rules Applicable to Eligible Case Types

1. Method. The electronic filing of documents must be effected using the Court's electronic service providers. Electronic service provider information is available on the Court's website at www.fresno.courts.ca.gov

2. Costs. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.

3. Confidential Documents. Documents filed as confidential shall be designated as such by selecting the "confidential security group" security option on the filing details prompt in the Court's electronic system. This rule is subject to the provisions set forth in Code of Civil Procedure § 1010.6, California Rules of Court, rules 2.250 through 2.259 and Local Rules 4.1.3 and 4.1.4.

4. Time deemed filed. For purposes of electronic filing of documents, pursuant to Code of Civil Procedure § 1010.6(b)(3), any document received electronically by the Court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

5. Format. The Court requires that electronic filing of documents be effected using a fully searchable .pdf file and include electronic bookmarks to each heading, subheading and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service if included), and to the first page of each exhibit or attachment, if any. Each bookmark to an exhibit or attachment shall include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index of the contents of the file.

6. Conformed copies. When electronically filing Family Law documents required to be mailed by the court to the opposing party (such as Request to Enter Default, Notice of Entry of Judgment, Request for Status Conference, etc.) the Court requests that the following be provided to and received by the Court no later than the day prior to electronically filing:

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- a. Two printed copies of document(s) to be conformed.
- b. Envelopes with sufficient postage addressed to both parties, or their attorney.

E. **Limitations on Filings**

Notwithstanding any other provision of law or this rule, the following documents may not be filed electronically.

1. Affidavit re: Real Property of Small Value;
2. Bonds (except as detailed in Local Rule 4.1.2G);
3. Documents for cases under seal;
4. Labor Commissioner deposit of cash or check (see Local Rule 4.1.13G for details);
5. Subpoenaed documents;
6. Undertakings (except as detailed in Local Rule 4.1.2G); and
7. Wills/Codicils; or
8. Any exhibits that cannot be accurately transmitted via electronic filing due to size or type.

F. Upon e-filing a petition to Probate a Decedent's Estate, a Spousal or Domestic Partner Property Petition or a Petition to Determine Succession to Real Property, the original will must be deposited with the clerk's office within ten (10) court days to avoid the fee associated for depositing a will.

G. **Labor Commissioner Appeals**

Upon e-filing an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action has obtained a bond or undertaking, the bond or undertaking documentation must be e-filed with the initiated case in order to comply with Labor Code § 98.2(b). Pursuant to California Rules of Court 2.252(e), the original bond or undertaking must then be delivered to the Court within ten (10) court days. Failure to do so can have consequences on the ability of the appeal to move forward.

A party filing such an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action will be depositing cash or a check to satisfy the requirements of Labor Code § 98.2(b) will be excused from the mandatory e-filing requirements set

FRESNO COUNTY SUPERIOR COURT

forth in Rule 4.1.2A. Such a filing must be directly filed with the Court outside of the e-filing system. (Effective January 1, 2022; adopted as Rule 4.1.13 effective January 1, 2016)

4.1.3 Records Confidential By Law

A. A “confidential” record is a record that, in court proceedings, is required by statute, rule of court, or other authority (except a court order under California Rules of Court, rules 2.550-2.551 or rule 8.46) to be closed to inspection by the public or a party.

B. Records required to be kept confidential as a matter of law may be submitted to the court electronically through the court’s e-filing system or physically through the clerk’s office or drop box. Failure to use the below procedure for filing confidential records will result in the records being rejected.

1. Documents filed as confidential shall be designated as such by selecting the “confidential security group” security option on the filing details prompt in the Court’s electronic system. Records not designated “confidential” in the e-filing process will automatically be accessible to the public.

When submitting confidential records through e-filing, the filing party must indicate the legal authority that mandates the confidentiality of the record in the “Comments to Court” field.

2. Records may be submitted for filing by physically submitting to a clerk’s office, if the clerk’s office is open. If the clerk’s office is not open, records may be deposited at a court drop box. If the records will not fit in the drop box, the party lodging them must contact the clerk of the assigned department and make arrangements for the physical delivery of the records. [Do not send records to be lodged to either the clerk’s office or any department via mail or overnight delivery service without prior arrangement.]

When submitting confidential records physically, the filing party must attach a cover sheet stating the case title, case number, and “CONFIDENTIAL [basis] – May Not Be Examined Without Court Order.” The basis must be a citation to or other brief description of the statute, rule of court, case, or other authority that establishes that the record must be closed to inspection in the court proceeding.

C. This rule does not apply to any case type that does not permit e-filing.
(Effective January 1, 2021, New)

4.1.4 Lodging Items With the Court

A. Pursuant to California Rule of Court, rule 2.550(b)(3), a “lodged” record is a record that is temporarily placed or deposited with the court, but not filed. (Lodged records are a limited exception to mandatory e-filing.)

Local Rules of Court

Effective July 1, 2022



Monterey County Superior Court
240 Church Street
Salinas, California 93901
(831) 775-5400
www.monterey.courts.ca.gov

**CHAPTER 1
DISTRIBUTION OF BUSINESS**

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CHAPTER 1

DISTRIBUTION OF BUSINESS

(Adopted October 1, 1998; Amended July 1, 1999; Amended January 1, 2000; Amended January 1, 2001; Amended January 1, 2002; Amended July 1, 2003; Amended January 1, 2004; Amended January 1, 2005; Amended January 1, 2007; Amended January 1, 2008; Amended January 1, 2009; Amended January 1, 2010; Amended January 1, 2011; Repealed July 1, 2012)

1.6 E-FILING OF DOCUMENTS

Electronic filing of documents in all case type is required, excepting appellate department cases.

A. Filing Service Provider

Electronic filing of documents shall occur through the court's electronic service provider(s). Electronic service provider information is available on the court's website at www.monterey.courts.ca.gov.

B. Exceptions to E-filing

The following items are not subject to mandatory e-filing under these rules (E-Filing of Documents):

1. Documents presented for filing by a self-represented party. Although e-filing is not mandatory for self-represented parties, they are encouraged to e-file documents.
2. Documents ordered by the court as exempt from e-filing. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.
3. Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means.
4. Documents lodged with the court provisionally under seal pursuant to California Rules of Court, rule 2.551, or lodged with the court as confidential documents.
5. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs taken from local court determination. Although not required, e-filing of these documents is encouraged.
6. Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits re real property of small value, bonds, undertakings, financial documents submitted by a private professional conservator, letters (probate, guardianship, conservatorship), wills and codicils (for filing or safekeeping), and orders to deposit money and receipt of depository.
7. Challenges to judicial officers pursuant to Code of Civil Procedure section 170.1 *et seq.*

CHAPTER 1 DISTRIBUTION OF BUSINESS

C. Effective Date and Time of E-Filing

Documents transmitted electronically are deemed filed only after accepted for filing by the clerk. Documents may be electronically transmitted to the court at any time.

Nothing in this section shall limit the clerk's ability to reject filings.

The court will issue a confirmation that the document has been received and filed in accordance with California Rules of Court, rule 2.259. The confirmation shall serve as proof that the document has been filed.

D. Format of E-Filed Materials

1. All documents filed electronically must be in electronic text-searchable portable document format (PDF).
2. **Pagination.** Document pages must be consecutively numbered using only the Arabic numbering system (such as 1, 2, 3), beginning with the number 1 on the first page of the document. When a document, transcript, or record is served in both paper format and electronic format, the pagination must be consistent for both versions.
3. If a party or attorney elects to include hyperlinks in a filing, the hyperlink shall be active and should be formatted to standard citation format as provided in California Rules of Court, rule 1.200.
4. **Exhibits.** Electronic exhibits must include electronic bookmarks with links to the first page of each exhibit and with bookmark titles that identify the exhibit number or letter and briefly describe the exhibit. Electronic exhibits not so bookmarked are subject to rejection.

E. Courtesy Copy

A judge may order a courtesy copy at any time, either printed or through electronic delivery.

F. E-File Version Follow Up to Hand-Served Documents

Documents served by hand, in court, or otherwise permissively, must then be e-filed unless the court specifically provides otherwise. Such e-filing must take place before the close of business on the court day following service by hand in open court. In addition, the Proof of Service must reference the date the document was originally served in open court.

G. Errors are the Responsibility of the Filer

The confirmation of filing of the document and verification of the accuracy of the document shall be the sole responsibility of the filer. The court shall not be responsible for errors or malfunction occurring in the electronic transmission of a document to the court for filing.

H. Redaction of Confidential Information is the Filer's Responsibility

CHAPTER 1 DISTRIBUTION OF BUSINESS

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

I. Fees and Fee Waiver

Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the court. A party who has received a fee waiver from the court, or who has otherwise obtained an order of the court waiving such fees, is exempt from the fees and costs associated with electronic filing.

(Adopted January 1, 2016; Amended July 1, 2016; Amended July 1, 2017; Amended January 1, 2019)

1.7 DELEGATION OF AUTHORITY

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized designee may be appointed as an elisor to sign the document pursuant to Code of Civil Procedure section 128(a)(4) and/or Family Code section 1101(e).

The Clerk of the Court hereby delegates to the Chief Operations Officer and Civil Operations Manager the authority to sign deeds, or other ordered documents, when the court has ordered the appointment of the Clerk of the Court to sign such documents as an elisor.

When applying for the appointment of an elisor, the application and proposed order must designate "The Clerk of the Superior Court, County of Monterey or the Clerk's Designee" as the elisor.

An application for appointment of an elisor shall be made by filing an appropriate pleading (Notice of Motion, Order to Show Cause or Request for Order). The pleading shall have as an attachment, a sample copy of the document(s) to be signed by the elisor. The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.

An acknowledgement fee (see Statewide Civil Fee and Local Fee Schedule on the court's website) will be assessed at the time of the appointment. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s) at the applicant's cost.

The Clerk may develop and promulgate local procedures to be followed when an elisor is ordered.

(Adopted July 1, 2017; Amended January 1, 2022)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ**

Rules of Court

Effective July 1, 2022



www.santacruzcourt.org

Superior Court of California
County of Santa Cruz

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Superior Court of California County of Santa Cruz

Rule 1.2 DOCUMENTS PRESENTED FOR FILING

Rule 1.2.01 Clerks' Offices - Hours of Operation

Courts must remain open to the public each business day according to the Judicial Council directives. The exact hours of operation of the Clerks' Offices are determined by the judges consistent with Judicial Council directives and will be posted on the Court's website. Hours of operation are subject to change so long as they remain consistent with Judicial Council directives and with prior notification to the public.

(Rev. 1/1/95) (Rev. 7/1/13)

Rule 1.2.02 Requests for Copies

All requests for copies of documents, except for copies to be delivered by e-mail, must be accompanied by a stamped, self-addressed envelope. Certified copies cannot be sent electronically. When no such envelope is provided, the documents will be retained in the Clerk's Office for 30 days.

(Eff. 1/1/88) (Renumbered 7/1/07) (Rev. 7/1/16)

Rule 1.3 ELECTRONIC FILING

Rule 1.3.01 Electronic Filing General

Electronic filing is required for civil, family, probate, LPS, appellate, criminal (subsequent filings only), juvenile justice (subsequent filings only), and dependency case types. Court reporter transcripts for all case types must be electronically filed. Electronically filed documents must comply with Code of Civil Procedure § 1010.6 and California Rules of Court 2.250 through 2.261.

(a) Filing Service Provider:

Electronic filling of documents shall occur through the Court's electronic service provider(s) which is available on the Court's website at www.santacruzcourt.org or www.efileca.com.

Superior Court of California County of Santa Cruz

(b) Fees:

Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the Court. Any party who has received a fee waiver from the Court, or who has otherwise obtained an order of the Court waiving such fees, is exempt from the fees and costs associated with electronic filing.

(c) Exceptions to Electronic Filing:

The following items are not subject to mandatory electronic filing under these rules:

1. Documents presented for filing by a self-represented party. Although electronic filing is not mandatory for self-represented parties, they are encouraged to electronically file documents.
2. Documents ordered by the Court as exempt from electronic filing. A party may seek a court ordered exemption by ex parte application for reason of undue hardship, significant prejudice or other good cause.
3. Documents lodged with the Court provisionally under seal pursuant to California Rule of Court 2.551.
4. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs. Although not required, electronic filing of these documents is encouraged.
5. Original documents required for a proceeding, subpoenaed documents, criminal bail bonds, and wills and codicils (for filing or safekeeping).
6. Documents presented for filing in cases under seal.
7. Documents and/or reports provided to the Court from third-party service providers or experts. These documents and reports may be e-filed at the discretion of the provider or expert unless otherwise order to e-file.

(d) Digital Exhibits as Attachment to Electronically Filed Documents

Exhibits in a format that is not appropriate for electronic filing (i.e. CD/DVD/USB Drive) shall be submitted in the courtroom only. The submitting party shall be responsible for providing the necessary equipment to view/present the exhibits.

Superior Court of California County of Santa Cruz

(e) Effective Date and Time of Electronic Filing:

Documents received by the Court for electronic filing at or prior to 11:59 p.m. on any court day, which otherwise satisfy all requirements for filing, will be deemed filed on that court day as provided in California Rules of Court 2.253(b)(6) and 2.259. The Court will issue a confirmation that the document has been received and filed in accordance with California Rule of Court 2.259. The confirmation shall serve as proof that the document(s) has been filed.

(f) Redaction of Confidential Information is the Filer's Responsibility:

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

(g) Courtesy Copies:

The Court may order the delivery of paper courtesy copies of electronically filed documents.

(h) E-Service:

Unless otherwise ordered by the Court, electronic service of electronically filed documents is optional as provided in California Rules of Court 2.251 and 2.253.

(i) Electronic Signatures:

Signatures: California Rule of Court 2.257 should be followed regarding signatures on electronically filed documents.

(j) Filing Documents Intended for Multiple Cases:

Any party seeking to file a single document into multiple cases must e-file that document into each case. The clerk's office will not place a document from one case into another on behalf of the party. It is the responsibility of the party to file separately for each case.

(Eff. 7/1/16) (Renumbered & Revised 7/1/17)
(Rev. 1/1/18) (Rev. 7/1/18) (Rev. 7/1/20) (Rev.
1/1/21) (Rev. 7/1/2022)

[Home Table of Contents](#)**§ 32110. Electronic Filing Requirements.**

8 CA ADC § 32110

Barclays Official California Code of Regulations

Barclays California Code of Regulations
 Title 8. Industrial Relations
 Division 3. Public Employment Relations Board
 Chapter 1. Public Employment Relations Board
 Subchapter 2. Definitions and General Provisions
 Article 2. General Provisions

8 CCR § 32110

§ 32110. Electronic Filing Requirements.[Currentness](#)

(a) Except as otherwise provided by this Chapter, electronic filing is mandatory when filing documents with PERB. For the initial filing of a case, the filing party shall serve all parties pursuant to Section 32140, subsection (a), and electronically file with PERB the initial filing and a proof of service. After the initial filing of a case, service of documents shall occur automatically through ePERB, except for unrepresented individuals not utilizing ePERB, in which case the filing party must serve the documents by personal delivery, mail, or with another delivery service properly addressed. Electronic filing is not required when submitting documents at formal hearing.

(b) Electronic filing is available but not mandatory for an unrepresented individual. For purposes of this subsection, the term “unrepresented individual” shall mean an individual natural person not represented by an attorney or a union representative. However, an unrepresented individual that files electronically shall be required to electronically file all subsequent documents, and to accept electronic service, unless she or he provides written notice to all parties that future filings shall occur through a different authorized means.

(c) A party filing a document through e-PERB may use an electronic signature as defined in section 32092. However, a party submitting proof of support under section 32700 of these regulations, either through e-PERB or otherwise, may rely on electronic signatures only to the extent permitted under section 32700.

(d) Documents electronically filed shall be in PDF format and text searchable. However, a party lacking the capacity to make a PDF file text searchable shall file the document in a non-text searchable PDF format, and shall telephonically notify the Board that it has done so. Unless documents are compressed (in a zip file format), the maximum size of any single document that can be electronically filed is 25 MB. For documents larger than 25 MB, the filer shall separate them into multiple parts so that each part is no larger than 25 MB.

(e) Each document shall be filed individually. Attachments and exhibits are part of the document to which they are associated. Where a document exceeds the size limit specified under subsection (d), the document must be split into parts and each filed individually. When a document is filed in multiple parts, each part must be identified as part of the document, e.g., unfair practice charge part 1, unfair practice charge part 2, etc.

(f) Filers may electronically file a document through e-PERB at any time. However, all documents electronically filed after 11:59 p.m. on a business day, or at any time on a non-business day, will be deemed filed the next regular PERB business day. This section shall not apply to requests for injunctive relief whose filing requirements are governed by sections 32450 and 32455.

Credits

NOTE: Authority cited: Sections 3509(a), 3513(h), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Section 99561(f), Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code.

HISTORY

1. New section filed 1-14-2021; operative 2-15-2021 pursuant to Government Code section 11343.4(b)(3) (Register 2021, No. 3). For prior history, see Register 82, No. 39.

2. Amendment of subsection (a) filed 10-20-2021; operative 1-1-2022 (Register 2021, No. 43). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20.

This database is current through 3/17/23 Register 2023, No. 11.

Cal. Admin. Code tit. 8, § 32110, 8 CA ADC § 32110

END OF DOCUMENT

This content is from the eCFR and is authoritative but unofficial.

Title 29 - Labor
Subtitle B - Regulations Relating to Labor
Chapter I - National Labor Relations Board
Part 102 - Rules and Regulations, Series 8
Subpart B - Service and Filings

Source: 82 FR 11751, Feb. 24, 2017, unless otherwise noted.

Authority: 29 U.S.C. 151, 156. Section 102.117 also issued under 5 U.S.C. 552(a)(4)(A), and § 102.119 also issued under 5 U.S.C. 552a(j) and (k). Sections 102.143 through 102.155 also issued under 5 U.S.C. 504(c)(1).

Source: 24 FR 9102, Nov. 7, 1959, unless otherwise noted.

§ 102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service.

- (a) **Form of papers to be filed.** All papers filed with the Board, General Counsel, Regional Director, Administrative Law Judge, or Hearing Officer must be typewritten or otherwise legibly duplicated on 8^{1/2} by 11-inch plain white paper, and must have margins no less than one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there. Typeface that is single-spaced must not contain more than 10.5 characters per inch, and proportionally-spaced typeface must be 12 point or larger, for both text and footnotes. Condensed text is not permitted. The text must be double-spaced, but headings and footnotes may be single-spaced, and quotations more than two lines long may be indented and single-spaced. Case names must be italicized or underlined. Where any brief filed with the Board exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and other authorities cited.
- (b) **Requests to exceed the page limits.** Requests for permission to exceed the page limits for documents filed with the Board must state the reasons for the requests. Unless otherwise specified, such requests must be filed not less than 10 days prior to the date the document is due.
- (c) **E-Filing with the Agency.** Unless otherwise permitted under this section, all documents filed in cases before the Agency must be filed electronically ("E-Filed") on the Agency's Web site (www.nlrb.gov) by following the instructions on the Web site. The Agency's Web site also contains certain forms that parties or other persons may use to prepare their documents for E-Filing. If the document being E-Filed is required to be served on another party to a proceeding, the other party must be served by email, if possible, or in accordance with paragraph (g) of this section. Unfair labor practice charges, petitions in representation proceedings, and showings of interest may be filed in paper format or E-Filed. A party who files other documents in paper format must accompany the filing with a statement explaining why the party does not have access to the means for filing electronically or why filing electronically would impose an undue burden. Notwithstanding any other provision in these Rules, if a document is filed electronically the filer need not also file a hard copy of the document, and only one copy of a document filed in hard copy should be filed. Documents may not be filed with the Agency via email without the prior approval of the receiving office.
- (d) **Filing with the Agency by Mail or Delivery.** Documents to be filed with the Board are to be filed with the Office of the Executive Secretary in Washington, DC. Documents to be filed with the Regional Offices are to be filed with the Regional Office handling the case. Documents to be filed with the Division of Judges are to be filed with the Division office handling the matter.

- (e) **Filing by fax with the Agency.** Only unfair labor practice charges, petitions in representation proceedings, objections to elections, and requests for extensions of time for filing documents will be accepted by the Agency if faxed to the appropriate office. Other documents may not be faxed. At the discretion of the receiving office, the person submitting a document by fax may be required simultaneously to file the original with the office by overnight delivery service. When filing a charge, a petition in a representation proceeding, or election objections by fax pursuant to this section, receipt of the faxed document by the Agency constitutes filing with the Agency. A failure to timely file or serve a document will not be excused on the basis of a claim that facsimile transmission could not be accomplished because the receiving machine was off-line or busy or unavailable for any other reason.
- (f) **Service.** Unless otherwise specified, documents filed with the Agency must be simultaneously served on the other parties to the case including, as appropriate, the Regional Office in charge of the case. Service of documents by a party on other parties may be made personally, or by registered mail, certified mail, regular mail, email (unless otherwise provided for by these Rules), private delivery service, or by fax for documents of or under 25 pages in length. Service of documents by a party on other parties by any other means, including by fax for documents over 25 pages in length, is permitted only with the consent of the party being served. When a party does not have the ability to receive service by email or fax, or chooses not to accept service of a document longer than 25 pages by fax, the other party must be notified personally or by telephone of the substance of the filed document and a copy of the document must be served by personal service no later than the next day, by overnight delivery service, or by fax or email as appropriate. Unless otherwise specified elsewhere in these Rules, service on all parties must be made in the same manner as that used in filing the document with the Board, or in a more expeditious manner. When filing with the Board is done by hand, however, the other parties must be immediately notified of such action, followed by service of a copy in a manner designed to insure receipt by them by the close of the next business day. The provisions of this section apply to the General Counsel after a complaint has issued, just as they do to any other party, except to the extent that the provisions of § 102.4(a) provide otherwise.
- (g) **Proof of service.** When service is made by registered or certified mail, the return post office receipt will be proof of service. When service is made by a private delivery service, the receipt from that service showing delivery will be proof of service. However, these methods of proof of service are not exclusive; any sufficient proof may be relied upon to establish service.
- (h) **Statement of service.** The person or party filing a document with the Agency must simultaneously file a statement of service. Such statement must include the names of the parties served, the date and manner of service, and the location of service such as mailing address, fax number, or email address as appropriate. The Agency requires proof of service as defined in paragraph (g) of this section only if, subsequent to the receipt of the statement of service, a question is raised with respect to proper service. Failure to make proof of service does not affect the validity of the service.
- (i) **Failure to properly serve.** Failure to comply with the requirements of this section relating to timeliness of service on other parties will be a basis for either:
- (1) Rejecting the document; or
 - (2) Withholding or reconsidering any ruling on the subject matter raised by the document until after service has been made and the served party has had reasonable opportunity to respond.