



UNITED FARM WORKERS

29700 Woodford-Tehachapi Rd • P.O. Box 62 • Keene, CA 93531
Telephone: (661) 823-6105 • Fax: (661) 578-6972
email: execoffice@ufw.org • website: www.ufw.org

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Sent Via Email, Fax and Regular Mail

J. Antonio Barbosa
Executive Secretary
Laura Heyck
Board Counsel
Agricultural Labor Relations Board
1325 J Street, Suite 1900
Sacramento, CA 95814-2944
jbarbosa@alrb.ca.gov
Laura.Heyck@alrb.ca.gov
Fax: (916) 653-8750

Re: Comment on Proposed Electronic Filing Regulation

Dear Mr. Barbosa:

Please accept this comment on behalf of the United Farm Workers of America (“UFW”) for a clarifying change in the Agricultural Labor Relations Board’s (“ALRB”) proposed regulations to allow electronic filing and service of documents.

The proposed 20169 (a)(2)(A) appears to limit a party to using just one email address for electronic filing and service of documents. This is a concern because, unlike a mailed hard copy of a document, it can be very easy for an email to be inadvertently overlooked, misfiled or deleted. Many courts are now using automated filing systems which permit multiple email addresses and this helps insure that notices are received by more than one person in the office. Currently there are many email communications with the ALRB field staff that often have more than one email address per party. There are also several ongoing cases in which a party has more than one attorney representing them.

Although the ALRB does not have the sophisticated automated system many courts are using, most email systems have a feature that can be used to easily create a template email composed of everyone’s email address so there is no need to type out each individual email for the communication. (In MS Outlook the feature is called a “distribution list” and in Google mail it is known as a “group”.)

To minimize issues arising from human error using electronic filing/service and to improve rapid communications, we propose a new section (C) be added to 20169(a)(2) to read

A party may provide more than one email address for service of documents but no more than five (5) email addresses. Service of documents must be made to all provided email addresses.

The section would then read in its entirety (with the new section in boldface):

20169. Provisions for Use of Electronic Filing and Service of Documents

(a) In lieu of the methods of service provided for above, the Board or any of its agents may serve papers on parties and parties may file papers with the Board or any of its agents and serve them on other parties by means of electronic mail [email] under the following conditions:

(1) All documents may be served by email except for unfair labor practice charges and representation petitions.

(2) 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:

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

(B) Electronically filing any document in a case with the Board. The act of electronic filing is evidence that the party agrees to accept service of documents related to that case at the email address(es) the party has furnished to the Board.

(C) A party may provide more than one email address for service of documents but no more than five (5) email addresses. Service of documents must be made to all provided email addresses.

The UFW supports the ALRB's proposed regulation for allowing optional electronic filing and, with the above clarification, expect it will improve efficiencies and save resources.

Respectfully Submitted,



Mary Mecartney, Esq.
United Farm Workers of America
mmecartney@farmworkerlaw.com

cc: Mario Martinez, General Counsel for UFW