

AGRICULTURAL LABOR RELATIONS BOARD

15-DAY NOTICE OF “SUFFICIENTLY RELATED” CHANGES TO PROPOSED AMENDMENTS TO TITLE 8,

SECTIONS 20169, 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393,
20400, 20401, 20402, 20407, and 20408

Summary of Rulemaking Process

On May 6 2016, the formal rulemaking process was initiated with the publication of the Notice of Proposed Regulatory Action in the Notice Register. Pursuant to the Notice, the written comment period ended on June 20, 2016. The United Farm Workers of America (UFW) submitted written comment prior to the June 20 deadline. No other written comments were received. No public hearing was scheduled. The modified text was made available to public during a 15-day comment period from June 24, 2016 to July 11, 2016. The Board did not receive any comments on the modified text during this comment period. On January 12, 2017, the Board voted to adopt the revised proposed regulation and the final rulemaking file was submitted to the Office of Administrative Law (OAL).

The following change is only to Section 20169 (e) of the proposed regulations. It is being made to clarify what requirements for filed documents the Board will review before sending a confirmation email to the filing party. The changes are denoted in ~~strikeout~~ (deletions) and underline (additions) format. The addition to the original proposed language is in bold type.

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 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 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.

(3) The format and content of the document shall comply with sections 20150, Format of Pleadings and Papers, and 20155, Signing of Petitions, Pleadings, Motions, Applications, Requests, Responses, Briefs and Other Papers, and with the specific requirements of any other section of these regulations applicable to the particular matter involved.

(4) For a document to be considered received on the day in question, the electronic transmission must be time-stamped no later than 4:00 p.m. on that date.

(5) All documents filed by email must be in Portable Document Format (PDF) and cannot exceed 10 MB in file size. Documents larger than 10MB may be split into multiple files.

(6) The file name of any document filed by email must be in the following format: Year (followed by a dash) month (followed by a dash) day (followed by two spaces) followed by the name of the document from the caption on the face page of the document. For example, a document filed by email on March 12, 2016 would be named “2016-03-12 Respondent’s Exceptions to the Decision of the Administrative Law Judge.”

(b) Whenever “service” is required by the regulations, service shall be on all parties to the proceeding and may be served by email. Documents filed by email must include a copy of a proof of service. Where service is effected by the Board, copies shall also be served on each party in the manner provided for in section 20164 along with proof of service to that effect.

(c) 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.

(d) In order to facilitate prompt processing and consideration of filings, the Executive Secretary may require that certain filings be by email.

(e) Once a document filed by email is received and ~~accepted~~ **been determined to have met requirements of subdivision (a)(5) and (6)**, a confirmation email will be sent to the email address on file by the close of the business day.

(f) The Board's website (www.alrb.ca.gov) contains a link to the email address to be used for filing documents electronically.

NOTE: Authority cited: Section 1144, Labor Code. Reference: Sections 1151.3, 1151.4(a), 1160.2, 1160.3 and 1160.5, Labor Code.

The ALRB invites all interested persons to submit written comments on the proposed clarification to Section 20169 (e).

Comments must be received at ALRB headquarters at the address listed below by 5:00 p.m. on May 22, 2017. All of the documents in the rulemaking file, including the original Notice of Proposed Rulemaking, the original text of proposed amendments, and the Initial Statement of Reasons are posted on the Board's website at www.alrb.ca.gov, and are available upon request from Laura Heyck Board Counsel, (916) 651-7623, same fax number as above, e-mail: lheyck@alrb.ca.gov.

Address written comments or requests for documents to:

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