

**STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**

PO BOX 2074, ESP
AGENCY BUILDING 2 – 20TH FLOOR
ALBANY, NEW YORK 12220-2074
TEL: (518) 457-2578
FAX: (518) 457-2664

**ELECTRONIC FILING OF EXCEPTIONS, CROSS-
EXCEPTIONS, AND RESPONSES**

The Chair of the Public Employment Relations Board (PERB), in consultation with the Board, has authorized the electronic filing and service of Exceptions and supporting briefs, Cross-Exceptions and supporting briefs, and Responses for all cases submitted to the Board. You may electronically serve the other parties to this proceeding if the other parties consent to electronic service. You must email proof that the other parties have consented to electronic service to boardsecretary@perb.ny.gov. Attached is an example form that may be used (“Consent to Electronic Service”).

WHERE TO FILE

If you choose to electronically file, Exceptions and a supporting brief, Cross-Exceptions and a supporting brief, and Responses should be emailed to boardsecretary@perb.ny.gov by 11:59 p.m. on the day such filings are due. You must complete and submit a “Notification of Electronic Filing and Consent to Electronic Service” (included with this document) with your Exceptions, Cross-Exceptions, and Responses.

One signed original of each document filed must be served on the Board consistent with Rule 213.2 (a) of PERB’s Rules of Procedure (Rules). The Rules are available at <http://www.perb.ny.gov/rules-of-procedure/>.

WHAT TO FILE

All documents shall be in a format that can be read using software that is readily available and is in widespread use by government, businesses, and individuals and electronically searchable, such as a searchable Adobe Acrobat pdf, unless you certify in a written attachment to the document served and/or in any required proof of service that you do not have the capacity to produce a searchable file. Rule 200.12 (c) of PERB’s Rules.

Electronically filed documents cannot be larger than 20 megabytes (MB). Documents larger than 20 MB must be divided into two or more documents, each under the 20 MB limit.

The filing of a signed paper original and electronic filing and service of a copy with the Board shall constitute compliance with the filing and service requirements. A copy of such exceptions and/or briefs, along with the “Notification of Electronic Filing and Consent to Electronic Service”, shall be simultaneously served upon all other parties. Rule 213.2 (a). **Electronic filing with the Board, absent service on other parties, does not constitute service upon other parties.**

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WHEN TO FILE

All filings must conform to the timeliness requirements in Part 213 of PERB's Rules.

PROOF OF SERVICE

All e-filed documents must be **simultaneously** served on all other parties to the proceeding, along with the "Notification of Electronic Filing and Consent to Electronic Service". You may electronically serve the other parties to this proceeding if the other parties consent to electronic service. Electronic service is deemed complete upon sending unless an error message or other notification that the served document has not been successfully dispatched or received is returned, in which case the service is null and void. Rule 200.12 (d).

If the other parties do not consent to electronic service, you must serve a hard copy of your Exceptions and supporting brief, Cross-Exceptions and supporting brief, or Response on the other parties in accordance with Rule 200.11.

All e-filed documents must include proof of service on all other parties. Where electronic filing has been consented to, a copy of such consent, and inclusion of the party or representative who has consented to electronic service as a recipient on the email addressed to boardsecretary@perb.ny.gov (i.e. cc'ing on the email) will be deemed proof of service, subject to failure of service as described above.

CONSENT TO RECEIPT OF ELECTRONIC FILINGS

By electronically filing Exceptions or Cross-Exceptions, you consent to receive responses from the other parties electronically, at the email address provided on your "Notification of Electronic Filing and Consent to Electronic Service."

EXTENSION REQUESTS

Extension requests may be filed electronically, but must comply with Rule 213.7.

In the event of a conflict between the procedures set forth herein and PERB's Rules, PERB's Rules shall govern.

ELECTRONIC DELIVERY OF BOARD'S DECISION

If you wish to receive the Board's Decision and Order electronically, complete the enclosed form "Consent to Electronic Delivery of the Board's Decision" and return the completed form to boardsecretary@perb.ny.gov. The Board's Decision and Order will be delivered to the email address you provide. It will be the only copy of the decision that you will receive, and receipt of the decision via email will be deemed service of the decision by the Board.

Notification of E-Filing and Consent to Electronic Service

Case number(s): _____

Charging party: _____

Respondent(s): _____

I, (enter your name) _____, am (check one)

- the representative of a party in the above-captioned action or
 a self-represented party in this matter.

On the date listed below I electronically filed with the Public Employment Relations Board (PERB) the following. I also filed one paper copy with PERB.

- Exceptions and supporting brief;
 Cross-Exceptions and supporting brief;
 Response.

CHOOSE ONE OF THE FOLLOWING TWO OPTIONS:

OPTION ONE:

All of the other parties to this proceeding have consented to electronic service. I have simultaneously sent a copy of my filings to each party at the email address(es) listed below and included all parties on my email to PERB.

List the email address(es) used: _____

or:

OPTION TWO:

I have simultaneously sent a paper copy of my filings to the representatives of each of the other parties to this proceeding and have included proof of service with my filing.

I hereby consent to receive service of Cross-Exceptions and/or Responses from the other parties to this proceeding at this email address: _____

Signature: _____ Date: _____

Print name: _____

Party Represented: _____

Email this completed form with Exceptions, Cross-Exceptions, or Response to boardsecretary@perb.ny.gov.

Consent to Electronic Service

Case numbers: _____

Charging party: _____

Respondent(s): _____

I, (enter your name) _____, am (check one)

- the representative of a party in the above-captioned action or
 a self-represented party in this matter.

I hereby consent to receive service of Exceptions and supporting brief at this email address:

Signature: _____ Date: _____

Print name: _____

Party Represented: _____

Email this completed form with Exceptions to boardsecretary@perb.ny.gov.

Consent to Electronic Delivery of the Board's Decision (optional)

Case numbers: _____

Charging party: _____

Respondent(s): _____

I, (enter your name) _____, am (check one)

- the representative of a party in the above-captioned action.
 a self-represented party in this matter.

I hereby consent to receive the Board's Decision and Order electronically at this email address:

I acknowledge that this will be the only copy of the Board's Decision and Order that I will receive. I hereby waive my right to receive a copy of the Board's Decision and Order by registered or certified mail pursuant to Section 213(a) of the Civil Service Law (the Taylor Law). Receipt of the Board's Decision and Order via email will be deemed service of the decision by the Board, and service will be complete when the email is sent.

Signature: _____ Date: _____

Print name: _____

Party Represented: _____

Email this completed form with Exceptions, Cross-Exceptions, or Response to boardsecretary@perb.ny.gov.