

## Office of Private Employment Practices and Representation Electronic Filing Guidelines

Effective February 15, 2023, the PERB Office of Private Employment Practices and Representation will be instituting Electronic Filing for matters brought pursuant to the State Employment Relations Act (“SERA”) and the Farm Laborers’ Fair Labor Practices Act (“FLFLPA”). After February 15, 2023, the Office of Private Employment Practices and Representation will accept electronic petitions for certification, unit clarification petitions, declaratory ruling petitions, and unfair labor practice charges in all SERA and FLFLPA matters.

All electronically filed documents should be sent to [sera@perb.ny.gov](mailto:sera@perb.ny.gov).

The Office of Private Employment Practices and Representation will accept only electronic filings, though the Director of Private Employment Practices and Representation retains discretion in determining whether to grant the application of a party to file and serve in paper form due to hardship, inability to comply with the procedure, or other good cause shown. Applications to file in paper form may be sent to [sera@perb.ny.gov](mailto:sera@perb.ny.gov) or:

Office of Private Employment Practices and Representation  
Public Employment Relations Board  
PO Box 2074  
Empire State Plaza, Floor 18  
Albany, NY 12220-0074

Unrepresented parties may elect to file and receive all case-related documents in paper form. Hard copies should be sent to:

Office of Private Employment Practices and Representation  
Public Employment Relations Board  
PO Box 2074  
Empire State Plaza, Floor 18  
Albany, NY 12220-0074

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 has not been effectuated. PERB’s SERA Rules of Procedure § 250.11 (c); § 263.15 (c).

Questions should be directed to [sera@perb.ny.gov](mailto:sera@perb.ny.gov).

The relevant sections of PERB’s Rules of Procedure governing matters brought pursuant to the State Employment Relations Act and the Farm Laborers’ Fair Labor Practices Act are reproduced below.

For non-FLFLPA SERA matters:

### **§ 250.11 Electronic filing and service; paper filing and service.**

- (a) The term *electronic filing*, as used in this Chapter, shall mean a document submitted by electronic mail to an address specified by the board on its website, or by other electronic

means specified by the board on its website. Such documents shall be: (1) in a format that can be read using software that is readily available and is in widespread use by government, businesses, and individuals; and (2) electronically searchable unless the party providing the document certifies in a written attachment to the document served and/or in any required proof of service that it does not have the capacity to produce a searchable file.

- (b) The term *paper filing* means delivery to the board or an agent thereof, or the act of mailing to the board, or deposit of the original papers enclosed in a properly addressed wrapper into the custody of an overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery. The term *paper service* shall mean delivery to a party or the act of mailing to a party, or deposit of the papers enclosed in a properly addressed wrapper into the custody of an overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery.
- (c) The term *electronic service*, as used in this Chapter, shall mean delivery before the latest time designated for service by electronic mail to a party sent to an electronic mail address designated by the recipient. 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 has not been effectuated.
- (d) Unrepresented individuals may choose to file and receive all pleadings, memoranda, correspondence, and any case-related information in paper form. The board and its designees retain discretion in determining whether to grant the application of a represented party to file and serve in paper form due to hardship, inability to comply with the procedure, or other good cause shown.
- (e) Compliance with the electronic filing and electronic service requirements contained in this Chapter will be deemed to have been met by the electronic filing of a complete and accurate copy of the document in conformity with the requirements of this subparagraph.

For FLFLPA matters:

**§ 263.15 Electronic filing and service; paper filing.**

- (a) The term *electronic filing*, as used in this Chapter, shall mean a document submitted by electronic mail to an address specified by the board on its website, or by other electronic means specified by the board on its website. Such documents shall be: (1) in a format that can be read using software that is readily available and is in widespread use by government, businesses, and individuals; and (2) electronically searchable unless the party providing the document certifies in a written attachment to the document served and/or in any required proof of service that it does not have the capacity to produce a searchable file.
- (b) The term *paper filing* means delivery to the board or an agent thereof, or the act of mailing to the board, or deposit of the original papers enclosed in a properly addressed wrapper into the custody of an overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery. The term *service* shall mean delivery to a party or the act of mailing to a party, or deposit of the papers enclosed in

a properly addressed wrapper into the custody of an overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery.

- (c) The term *electronic service*, as used in this Chapter, shall mean delivery before the latest time designated for service by electronic mail to a party sent to an electronic mail address designated by the recipient. 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 has not been effectuated.