

Office of Conciliation Electronic Filing Guidelines

Effective March 1, 2023, the PERB Office of Conciliation will be converting to Electronic Filing. After March 1, 2023, the Office of Conciliation will accept only electronic filings, though the Director of Conciliation 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. Absent the Director of Conciliation's advance approval of paper filing, Office of Conciliation filings must be electronically mailed to one of two electronic mail addresses, dependent upon the subject matter of the filing, as outlined below.

1. **Any Impasse procedure or bargaining related documents and requests** shall be electronically mailed to the attention of the Director of Conciliation at Conciling1@perb.ny.gov. Such documents include:
 - Declarations of Impasse;
 - Factfinding requests;
 - Interest Arbitration Petitions and Answers;
 - Requests for super conciliation;
 - Requests for Facilitated Intensive Negotiations (FIN);
 - Requests for Labor Management Training; and
 - Any other Requests for mediation or conciliation assistance.

2. **Contract grievance and discipline related grievance arbitration or section 75 related demands, filings and documents** shall be electronically mailed to Arbitration@perb.ny.gov. * Such documents include:
 - Demands for Arbitration;
 - Joint Submissions to Arbitrate;
 - Disciplinary Arbitrator requests from NYSCOPBA, PBA of NYS and C82;
 - Section 75 Hearing Officer Requests;
 - Requests for assignment of a Mediator under the Med/Arb program; and
 - Any other contract or disciplinary related grievance arbitration or section 75 related demands, filings and documents.

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. PERB rule 200.12(d)

* Please be advised that all filing fees will be billed to the respective parties upon the processing of your submission and must be paid by check or money order. Filing fees cannot be accepted electronically with your submission.

Questions should be directed to the Director of Conciliation at (518) 457-2690 or wconley@perb.ny.gov .

§ 200.12 of PERB'S Rules Electronic Filing and Service

- *(a) Notwithstanding any provisions of this Chapter to the contrary including section 200.11 of this part, the director or administrative law judge before whom a matter is pending may permit the electronic filing and electronic service of any or all pleadings or related documents by and upon a party to a proceeding if such party expressly so consents to electronic service in a form provided by the board. Such permission and consent must be on notice to all parties.*
- *(b) Notwithstanding any provisions of this Chapter to the contrary including section 200.11 of this part, the chairperson, in consultation with the board, may generally authorize the electronic service and/or filing of any documents for any or all proceedings before it or before an administrative law judge provided that: such general authorization is posted on the board's website and such general authorization becomes effective no sooner than sixty days from the date of such posting; provision is made to permit unrepresented individuals to choose to file and receive all pleadings, memoranda, correspondence and any case-related information in paper form; and the board or its designees retain 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.*
- *(c) The term electronic filing as used in this Chapter, shall mean a document submitted by means specified by the agency on its website. Such documents shall be: (i) in a format that can be read using software that is readily available and is in widespread use by government, businesses, and individuals; and (ii) electronically searchable unless the party providing the document certifies in a written attachment to document served and/or in any required proof of service that it does not have the capacity to produce a searchable file.*
- *(d) 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 is null and void.*