

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

POLICY ON FILING VIA FACSIMILE OR ELECTRONIC TRANSMISSION

Introduction

The Michigan Employment Relations Commission (MERC) will accept the filing of the following documents via electronic mail or facsimile transmission provided the transmission complies with this policy.

Requirements for Filing Via Facsimile or Electronic Transmission

The following documents may be filed via electronic mail or facsimile transmission provided the documents are eleven (11) or fewer pages (exclusive of the fax or e-mail cover page).

All documents transmitted via e-mail must be in pdf format. E-mail transmissions may be sent directly to members of the Bureau of Employment Relations staff provided the sender first obtains the express permission of the staff member who is to receive the filing.

Documents may be sent via facsimile to the fax machines of the Bureau of Employment Relations. BER Fax numbers: Detroit (313) 456-3511 Lansing (517) 334-0716

Documents received after 5:00 p.m. shall be considered received on the next business day.

Types of documents accepted:

Labor Relations Division

Unfair labor practice charges

Hearing adjournment requests

Standard scheduling/withdrawal correspondence

Requests for extensions of time for filing

Briefs of less than 10 pages

Exceptions

Documents that are required to be filed with exceptions, such as exhibits submitted at hearing.

Responses to exceptions

Motions filed after an ALJ Decision and Recommended Order has been issued

Elections Division

Consent to election forms

Employer's lists of employees to determine showing of interest

Excelsior lists

Objections to elections

Position Statements

Responses to Representation Petitions

Adopted: 9/11/12

Mediation Division

Notices to mediation agencies
Requests for mediation
Responses to requests for mediation information

Arbitration and/or Fact Finding

Responses to panel lists
Petitions for Fact Finding
Petitions for Act 312 Arbitration
Answers to Petitions
Case Status Updates

E-mail or Fax transmissions in contravention of this policy will not be considered filed.

Original and Required Copies

If the statute and/or rules require that an original and/or copies of a document be filed, the person submitting the document by facsimile or e-mail must file the original and required copies with the Commission at the office to which the facsimile or e-mail was transmitted. The filing is considered complete on the date the facsimile or e-mail is received, provided that the original and the remaining copies are filed within five (5) business days.

If the statute and/or rules do not require the filing of an original and/or copies of a document (e.g., letters requesting adjournments or extensions of time), the facsimile or e-mail is sufficient and additional copies should not be filed.

Burden on Filer

A failure to timely file or serve a document will not be excused on the basis of a claim that transmission could not be accomplished because the receiving fax machine or computer was offline, busy, or unavailable or because the e-mail was sent directly to a Bureau of Employment Relations staff person who had not given the sender express permission to send the document directly to the staff person. The Commission recommends that parties telephone the receiving office to confirm receipt of fax transmissions and to request a read receipt when sending e-mail transmissions.

Service of Documents Filed Via Facsimile Transmission

Documents filed via facsimile or e-mail transmission shall be served on all parties via e-mail, facsimile, or hand delivery.

Authority

This policy is adopted in accordance with 423.181 of the Michigan Employment Relations Commission General Rules. It may be rescinded or modified at any time with appropriate notice.

Adopted: 9/11/12