

**MICHIGAN EMPLOYMENT RELATIONS COMMISSION
POLICY ON EMAIL & FACSIMILE FILING**

**THIS POLICY DOES NOT APPLY TO MERC CASES WHILE PENDING BEFORE AN ALJ
AT THE MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM (MAHS)**

Introduction:

The Michigan Employment Relations Commission (MERC) accepts the filing or transmission of several documents via electronic mail (email) or facsimile (fax) in accordance with this policy.

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

Email or Fax transmissions that are not made in accordance with this policy will not be considered filed.

Types of documents accepted by Email or Fax transmission:

Unfair Labor Practices:

Charges**

Standard scheduling/withdrawal correspondence

Requests for extensions of time for filing

Briefs **

Exceptions and briefs in support**

Documents required to be filed with exceptions, such as exhibits submitted at hearing**

Responses to exceptions and briefs in support**

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

Statement of Service

Elections:

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

Mediation (Contract and Grievance):

Notices to mediation agencies

Replies to requests for mediation information

Requests for mediation

Status of Negotiations forms

Act 312 Arbitration, Fact Finding and Grievance Arbitration:

Answers to Petitions

Case Status Updates

Petitions**

Responses to panel lists

Statement of Service

**** If the filing is by fax, you must also submit the hard copy originals and/or copies required by applicable Commission rules to complete the filing process. Additional copies do not need to be filed if the filing is by email.**

Refer to item 3 on page 2 below.

1. Email Filing Requirements and Limitations

Size: Documents transmitted via e-mail as an attachment must be in pdf format. The total size of the attachment(s) contained in a single email filing must not exceed 15MB or 70 single sided pages, whichever is larger.

E--addresses: Email transmissions under this policy must be directed as follows:

- UNFAIR LABOR PRACTICE CASES: merc-ulps@michigan.gov
- ELECTIONS: merc-elections@michigan.gov
- MEDIATION: merc-mediation@michigan.gov
- ACT 312 & FACT FINDING: mercpanel@michigan.gov
- GRIEVANCE ARBITRATION: merc-grievancearb@michigan.gov

Subject Line: The subject line for any e-mail transmission must include the MERC case number and the name of the parties. If the filing is a new petition or charge, indicate “New Case” in lieu of the MERC case number.

2. Fax Filing Requirements

Documents sent by fax may not exceed twenty (20) pages including any fax cover sheet. Materials may be faxed to either BER Office: Detroit (313) 456-3511 or Lansing (517) 335-9181. If multiple copies are required with a filing, DO NOT fax additional copies.

3. Required Original and/or Copies

If the statute and/or applicable rule(s) requires the filing of an original and/or copies of a document, a fax filing *will not be valid unless the required hard copy documents (original and copies) are received at the appropriate Commission office within five (5) business days of receipt the fax or e-mail transmission*. If the required hard copy documents are received after this deadline, the filing date will be deemed as of the date those materials are received by the Commission office. The requirement for filing an original and/or additional hard copies is waived if the filing is done by email. If the statute and/or rules do not require the filing of an original and/or copies of a document, the facsimile or e-mail is sufficient and additional copies should **not** be filed.

4. Service of Documents Filed via Email or Facsimile

Documents filed at MERC via fax or e-mail transmission must be served on all parties in accordance with the time deadline(s) under the applicable statute or rule(s). Service may be accomplished in person, mail, email or fax, private delivery service, by leaving a copy at the principal office or place of business of the person required to be served as deemed appropriate.

5. Burden on Filer

Untimely filing or service of documents will not be excused on the basis that an otherwise timely email or fax transmission was not accomplished because of an equipment or other malfunction, or the unavailability of someone to receive the transmission.

6. Authority

This policy is adopted in accordance with 423.181 and 423.182 of MERC’s General Rules and may be rescinded or modified at any time.

Adopted:8-15-17; (Rescinds prior policy dated 7-21-15)