

**MICHIGAN EMPLOYMENT RELATIONS COMMISSION
POLICY ON ELECTRONIC FILING ON MERC CASES**

The Michigan Employment Relations Commission (MERC) accepts the filing or transmission of documents using electronic filing methods that include-- email, facsimile (fax) and the agency's computerized case management system in accordance with this policy.

(Note: Electronic filings on cases before the ALJ are sent to the ALJ at willisj@michigan.gov.)

1. Timeliness:

Documents received by 5pm on any business day will be deemed as filed that day. If received after 5:00 p.m. or during non-business hours, the item shall be considered as filed on the next business day.

Electronically submitted materials not complying with this policy will not be deemed as filed.

2. Documents accepted by Electronic Filing :

Unfair Labor Practices:

Charges**

Standard scheduling/withdrawal correspondence

Requests for time extensions for filing

Subpoenas-- Requests for and Service of

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 fax filing, check #6 below to determine if original or extra copies are required.**

3. Filings Submitted Via the Agency's Computerized Case Management System

Refer to the additional information on using the MERC e-file system on the agency's webpage. Any documents being uploaded as an attachment must be in pdf format. The total size of a single attachment(s) contained in a single upload may be limited based on capacity issues. In such instances, properly labeled separate attachments may be necessary.

4. Email Filing Requirements and Limitations

- a. *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.
- b. *Designated Email Filing Address*: Materials filed by email must be directed the appropriate designated filing email address:
 - UNFAIR LABOR PRACTICES: merc-ulps@michigan.gov
 - ELECTIONS: merc-elections@michigan.gov
 - MEDIATION: merc-mediation@michigan.gov
 - ACT 312 & FACT FINDING: mercpanel@michigan.gov
 - GRIEVANCE ARBITRATION: merc-grievarb@michigan.gov
 - ALJ & MOAHR STAFF: willisj2@michigan.gov
- c. *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 newly filed case, indicate "New Case" in lieu of the MERC case number.

5. Fax Filing Requirements

Documents sent by fax may not exceed twenty (20) pages including any fax cover sheet. Materials may be faxed to the Detroit BER Office ONLY at (313) 456-3511. If multiple copies are required with a filing, DO NOT fax additional copies. Refer to #6 below.

6. Required Original and/or Added 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 to be 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.

NOTE: Filings by email or system filing do not require original or added copies to be submitted.

7. Service of Documents Filed via Email or Fax

Electronically filed documents must still 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, by US 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. A statement of service attesting that service was made may be required unless the other parties are included in the email filing with MERC.

8. Burden on Filer

Incomplete or untimely electronic filing or service of documents will not be excused due to equipment, service or other malfunctions, or the unavailability of someone to receive the electronic transmission.

9. 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: April 12, 2022; *(Rescinds and replaces the prior policy dated 8-15-17)*