

12 DEPARTMENT OF LABOR

180 MAINE LABOR RELATIONS BOARD

Chapter 10: GENERAL RULES

SUMMARY: This chapter defines certain terms used throughout the rules of the Maine Labor Relations Board and contains other rules of general application.

§ 1. Effective Date

The rules of the Maine Labor Relations Board (Board) contained in Chapters 10 through 13 are effective as of July 1, 2023. All actions pending as of that date are subject to these rules.

§ 2. Applicability

The Board's rules apply to employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S.A. §962, the *State Employees Labor Relations Act*, 26 M.R.S.A. §979-A, the *University of Maine System Labor Relations Act*, 26 M.R.S.A. §1022 or the *Judicial Employees Labor Relations Act*, 26 M.R.S.A. §1282.

§ 3. Fees and Expenses

The parties are required to share the costs of the Board members' per diem and expenses for hearings held on Prohibited Practice Complaints, Interpretive Rulings, and appeals of unit matters or appeals of election matters. No fees are required for costs related to prehearing conferences, unit composition hearings or election procedures.

§ 4. Executive Director

Whenever a rule refers to the executive director, the action or responsibility may be delegated to the executive director's designee.

§ 5. Definition of Working Days

"Working days" means those days when State offices in Augusta are open for business.

§ 6. Computation of Time Periods

In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not included.

The last day of the period is included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

§ 7. Filing

1. **Electronic Filing Required.** Except as provided in subsections 4 and 5, all correspondence, motions, petitions, complaints and any other documents filed with the Board shall be filed electronically via internet transmission to the Board's general email address, mlrb@maine.gov, in the manner provided for in this section.
2. **Electronic Filing Procedure.** All documents filed electronically must be filed pursuant to the following procedure.
 - A. The filing shall include an email correspondence to the Board that identifies the name of the person or representative making the filing and the name of the party in whose name the document is being filed.
 - B. Documents filed electronically must be in Microsoft Word® or PDF format and must be capable of being readily printed or otherwise reproduced clearly and legibly on paper 8 and 1/2 inches by 11 inches in size. Documents for filing must be included as an attachment to the email required in paragraph A.
 - C. When a signature is required for a document to be filed with the Board, the document must either be signed by hand and scanned as a PDF file or must be signed electronically in the following format: “/s/ [signatory’s name].”
 - D. Documents submitted to the individual email addresses of Board members, the executive director, Board counsel or other staff members shall be deemed not filed.
3. **Filing Date.** A document submitted to the Board electronically will be deemed to be filed or received on the date and time in which the Board received the document at the Board's general email address, mlrb@maine.gov, in accordance with this section. A document will be considered filed on a certain day if it is received electronically as of 11:59 p.m. on that day. The date and time that a document has been received electronically will be noted in a Notice of Electronic Filing, which will be sent by the Board electronically to the filing party.
4. **Filing by Mail or Hand Delivery.** Parties who are unable to submit documents electronically may submit documents by mail or hand delivery. Such filings or submissions must include a statement certifying that the party was unable to transmit the documents electronically, including a description of the reasons that electronic transmission of the documents could not be accomplished. The Board may reject any such filings that it finds could have been submitted electronically. A party may hand deliver a document for filing at the Board's office, by prior arrangement, between the hours of 8:30 a.m. and 4:30 p.m. on Monday through Friday, excepting dates on which the office is closed due to State holidays, extreme weather or emergency.

5. **Showing of Interest and Employee Authorization Forms.** Notwithstanding subsections 1, 3 and 4, this subsection governs submission of a petition that requires showing of interest or employee authorization forms. Such petition must be filed electronically, in accordance with this section, but need not include electronic submission of the accompanying showing of interest or employee authorization forms. Filing of the petition will not be considered complete until the Board has received the signed original showing of interest or employee authorization forms by mail, delivery service or hand delivery.

§ 8. Service

1. **Electronic Service.** Except in the case of service of a prohibited practice complaint, amended complaint or subpoena, whenever a rule requires that a party serve a copy of a document on another party, service may be effected exclusively by email.

For service of a prohibited practice complaint or amended complaint, service will be considered complete on the date that service was provided to the other party by email, so long as service by mail, hand delivery or delivery via a delivery service occurred on the same calendar day.

2. **Certificate of Service.** Whenever a rule requires that a party serve a copy of a document on another party, the serving party may demonstrate compliance with the requirement of service by submitting to the Board a signed statement certifying service. The statement should include a written declaration of the names and addresses of the parties served and the date and manner of service. The following is an example of a statement certifying service: "I, _____, certify that on _____, I served a copy of this document on _____ (name of party) by mail/hand delivery/delivery via _____ delivery service (indicate which method), at the following address: _____." Proof of service, such as a certified mail return card, is not required except in the case of a prohibited practice complaint or amended complaint. Such proof will satisfy the requirement for a certificate of service. A sample certificate of service is available from the Board.

3. **Proof of Service.** For a prohibited practice complaint or amended complaint, the executive director may at any time require the complainant to file proof of the date that the complaint was physically delivered on the respondent if proof of service is not filed with the complaint. Proof of service may be in the form of either a certified mail receipt signed by the recipient addressee or an agent of the addressee, a signed and dated acknowledgment of receipt by hand delivery, a dated confirmation of delivery from the Post Office or other delivery service, a dated statement of refusal of service or a copy of the sent email that includes the date and the email address to which it was sent.

§ 9. Official Transcripts

If the Board causes the proceedings to be transcribed, the court reporter producing the transcript shall make copies available to the parties to the proceeding upon request and prompt tender of the appropriate fee. Requests for transcripts must be made to the court reporter. The Board's copy of

the transcript is available for inspection, but not copying, by the parties. Transcripts prepared at the directive of the Board or its executive director are the official transcripts of the Board proceeding. A party to a Board hearing seeking to have the hearing transcribed may, with prior approval of the Board, make arrangements for transcription by a qualified court reporter. If such arrangements are made and a transcript is produced, a copy must be furnished to the Board without cost and to the other parties upon request and tender of the appropriate fee. A transcript prepared at the request of a party may, at the discretion of the Board, be reviewed by the Board for accuracy and, if approved by the Board, deemed the official transcript.

§ 10. Enlargement of Time Periods

1. **Request.** A party wishing to request an extension of a deadline for filing a pleading, motion or other document, or a postponement of a hearing or prehearing conference, must do so in accordance with the following guidelines.
 - A. Prior to requesting an extension or postponement, the requesting party must notify all other parties to the matter of the request and ask whether the other parties join, consent, are neutral or object to the request.
 - B. A party's request for an extension or postponement shall be made in writing and communicated by email to the Board's Executive Director and to all parties to the matter.
 - C. An extension or postponement request must briefly describe the reason for the request.
 - D. If the request is not made jointly or consented to by all other parties, the requesting party must state the efforts made to contact the other parties before making the request and state the parties' position on the request, if known. Except in cases that require immediate action, the Board's Executive Director will attempt to contact parties that have not joined or consented to an extension or postponement request to determine their position on the request.
 - E. An extension or postponement request made less than 14 days prior to the deadline or hearing date, whether joint or individual, must state the reason the request could not have been made earlier.
 2. **Board Action.** When an act must be done within a specified time period and, prior to the expiration of that period the Board receives a request for enlargement of that time, the Board may in its discretion with or without motion or notice enlarge that time period for good cause shown. Upon motion made after the expiration of the specified period, the Board may extend the period where the failure to act was the result of excusable neglect.
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STATUTORY AUTHORITY:

26 M.R.S.A. §968 sub-§3

EFFECTIVE DATE:

January 1, 2001 – filing 2000-524

AMENDED:

April 1, 2020 – filing 2020-034

July 1, 2023 – filing 2023-088