

12 DEPARTMENT OF LABOR

180 MAINE LABOR RELATIONS BOARD

Chapter 10: GENERAL RULES

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

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§ 1. Effective Date.

The rules of the Maine Labor Relations Board (Board) contained in Chapters 10 through 13 are effective as of ~~January 1, 2001~~ April 1, 2020. 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-C-979-A~~, the University of Maine System Labor Relations Act, 26 M.R.S.A. ~~§40271022~~, or the Judicial Employees Labor Relations Act, 26 M.R.S.A. ~~§42841282~~, or the Agricultural Employees Labor Relations Act, 26 M.R.S.A. §1322.

§ 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.

~~Filing of a submission or paper with the Board is considered complete on the date it is received by mail or in hand delivery by the Board at its offices in Augusta.~~

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](mailto: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 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](mailto: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 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 or hand delivery.

§ 8. Certificate of Service.

Except in the case of service of a prohibited practice complaint or an amended complaint, 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 mailing/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 but will satisfy this requirement. A sample certificate of service is available from the Board.

Whenever a rule requires that a party serve a copy of a document on another party, 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.

§ 9. Official Transcripts.

~~Unless excused by the Board, the Board's hearing reporter shall record all hearings. If proceedings are reported but not transcribed, the parties may make arrangements with the reporter to order a copy of the transcript, provided, however, that a copy of the transcript must be supplied to the Board without cost.~~ 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's hearing reporter~~ Board for accuracy and, if approved by the Board, deemed the official transcript.

§ 10. Enlargement of Time Periods.

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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NOTE: Many of the provisions of this rule had been part of Chapter 7 of the MLRB Rules, which was repealed on the same day this rule became effective.

STATUTORY AUTHORITY: 26 M.R.S.A. §968, sub-§3

EFFECTIVE DATE:

January 1, 2001