

# E-Filing Terms and Conditions

The National Labor Relations Board strongly encourages parties or other persons to use the Agency's E-Filing Program to file selected documents in unfair labor practice and representation cases with the Board's Office of Executive Secretary, the Division of Judges, the General Counsel's Office of Appeals, and Regional, Subregional and Resident Offices.

Most documents that may be filed under the Board's Rules with the above-listed offices may be filed electronically.

## **E-FILINGS SHOULD ONLY CONTAIN "SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION" (SPII) THAT IS ESSENTIAL TO THE MATTER AT ISSUE**

Please redact (remove) any non-essential personally identifiable information before uploading an E-Filing. If you believe you must file documents with the Agency that contain unredacted sensitive personally identifiable information, you must indicate during the E-filing process the type of SPII contained in the document.

SPII is an individual's name *in combination with* one or more of the following:

- Date of birth
- Social Security number
- Driver's license number
- Financial account number
- Credit or debit card number

## **E-FILINGS CONTAINING INFORMATION COVERED BY A PROTECTIVE ORDER OR "UNDER SEAL" MUST BE DESIGNATED**

If you are uploading an E-Filing that contains information (such as documents, testimony or other information) that may not be released to the public because the information is covered by a protective order, or has been placed "under seal," then you must indicate during the E-Filing process that the document you are uploading "Contains Information Covered by a Protective Order or Placed Under Seal."

## **E-FILINGS MUST BE TIMELY**

The Agency will accept electronic filings up to 11:59 pm in the local [time zone](#) of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of [Section 102.111](#) of the Board's Rules and Regulations.

- A document will be considered timely filed if the E-Filing receipt reflects that the entire document was received by the Agency's E-Filing system before midnight local time on the due date. (Midnight is considered the beginning of a new day.)
- Parties are reminded that filings accomplished by any other means, e.g. mail, personal delivery or facsimile (if allowed), must be received by the [close of business in the receiving office on the due date](#).
- Unlike the Federal Courts, the Agency does not add 3 days to any due date regardless of the manner the document to which the filer is responding was served.
- Although the Agency's E-Filing system is designed to receive filings 24 hours per day, parties are strongly encouraged to file documents in advance of the filing deadline and during the normal business hours of the receiving office, in the event problems are encountered and alternate means of filing become necessary.
- The receiving office's staff will respond to non-technical questions regarding the E-Filing system during normal business hours. For technical problems, please refer to the [E-Filing FAQ](#) or send an email to [e-filing@nlrb.gov](mailto:e-filing@nlrb.gov). If you wait until after the close of business to attempt to E-File and encounter problems, no one will be available to assist you.

Technical Failure. If the Agency's E-Filing system is unable to receive documents for a continuous period of more than 2 hours after 12 noon (Eastern Time), the Agency will declare the site to be in technical failure. The Agency will post notice of the technical failure determination on the website as soon as possible. The Agency will also post notice regarding scheduled service, system maintenance or upgrades, or other events that will make the system unavailable to receive filings. If a party is prevented from E-Filing a document on its due date because of an Agency-determined technical failure, the document must be filed by 5:00 p.m. (Eastern Time) on the next business day.

User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her own peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem.

#### **ELECTRONIC FILING IS A THREE-STEP PROCESS**

You have not completed the E-Filing process until you have (1) entered your data and uploaded your document(s); (2) reviewed and confirmed your submission; and (3) received your receipt with confirmation number. Confirmation emails will be sent from GovDelivery so you may need to check your Spam folder and designate GovDelivery.com and e-Service@nlrb.gov as approved senders. Agency documents sent to the email address provided that are rejected by the recipient's spam filter will be regarded as having been delivered.

#### **PREFERRED DOCUMENT FORMAT IS PDF**

The preferred format for submitting documents by E-Filing is Adobe's Portable Document Format (\*.pdf). However, in order to make the Agency's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (\*.doc, \*.docx). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (\*.txt). Regardless of the format, all documents E-Filed with the Agency must be submitted in a "read-only" state.

#### **MAXIMUM SIZE OF FILES FOR UPLOAD**

Document has to be less than twenty megabytes (20 MB).

#### **FILING OF ANSWER TO A COMPLAINT OR COMPLIANCE SPECIFICATION**

For any Answer to a Complaint or Compliance Specification, the document being filed electronically should be in a PDF format, as described above, that includes the signature of counsel or non-attorney representative for represented parties or the signature of the party if not represented. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a PDF format that includes the required signature, then the original answer containing the required signature must be submitted to the Regional, Subregional or Resident Office by traditional means within three (3) business days after the date of electronic filing. Please note that answers to complaints and compliance specifications are filed only with the Regional, Subregional, or Resident Offices.

#### **DOCUMENTS MUST BE VIRUS-FREE**

You are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

#### **FILING ADDITIONAL COPIES IS NOT REQUIRED**

You are not required to file multiple copies of documents that you file electronically.

#### **DOCUMENTS MUST BE COMPLETE**

Any document submitted electronically to the Agency must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances. Exception: Position statements or documentary evidence submitted to a Regional Office during an unfair labor practice investigation or documents relating to appeals pending before the Office of Appeals may be filed as separate attachments.

**CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE**

All documents submitted to the Agency electronically, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of [Section 102.114\(j\)](#) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

**OFFICIAL BUSINESS**

Outside parties may send to the Agency only electronic communications dealing with official Agency business.