**Section 1100.20 Filing and Service of Documents**

a) All documents relating to any proceeding before the Illinois Educational Labor Relations Board (the Board) shall be filed in either the Board's Springfield or Chicago office or shall be sent to the Board's electronic mailbox (ELRB.mail@illinois.gov). Except as otherwise specified in the rules of the Board, documents shall be considered filed with the Board on the date they are received by the Board, except that documents sent by certified or registered mail shall be considered to have been filed on the date on which they are postmarked, and documents sent by overnight delivery service shall be considered to have been filed on the date the receipt shows they were given to the overnight delivery service. A party may file a document by facsimile if the party also sends a hard copy. Documents may also be filed electronically. The Board may direct parties to provide hard copies of documents. Documents, including but not limited to documents filed electronically, must be received by the close of business in order to be considered to have been filed that day. Except for documents filed electronically, a party must file an original and two copies of each document in proceedings before a hearing officer or the Board.

b) Whenever 80 Ill. Adm. Code: Subtitle C, Chapter III requires that a document be on a form developed by the Board, the document may be prepared on a form obtained from the Board or on a facsimile thereof. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those deviations that involve form but not substance and thus do not prejudice any other party to the case.

c) The Board will serve final Board opinions, complaints and notices of hearing, petitions, intervening claims, unfair labor practice charges, and fair share fee objections on the appropriate parties by personal service, registered or certified mail, leaving a copy at the principal office or place of business of the person required to be served, or email in accordance with subsection (g). A party may agree to service of the above documents by other means by giving written consent. The Board may serve other documents by other means.

d) All documents, except those listed in subsection (c), will be served on the appropriate parties by the party propounding the document by means calculated to provide proper service. When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. Subpoenas will be served by the party requesting the subpoena by personal service, registered or certified mail, leaving a copy at the principal office or place of business of the person required to be served, or email in accordance with subsection (g).

e) Whenever a document is filed with the Board, it shall be accompanied by a certificate of service. A certificate of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.

f) Failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document, if the failure results in prejudice to another party (such as lack of notice or detrimental reliance) or demonstrates disregard of the Board's processes (such as continued noncompliance).

g) The Board may provide service upon a party or its representative through email. Documents issued by the Board in connection with a Board proceeding may be served by email in lieu of other specified means of service. The following procedures for service of documents and other information by verifiable electronic methods, including, but not limited to, email (collectively referred to as "service") will apply to service under 80 Ill. Adm. Code, Subtitle C, Chapter III:

1) A party or its representative shall designate an email address at which service is accepted upon filing an unfair labor practice charge, representation petition, or notice of appearance.

2) A party or its representative shall immediately notify the Board of a change of email address. Any person or entity who regularly practices before the Board shall verify the email address on an annual basis.

3) The showing of interest in a representation petition shall not be served by email. No document containing protected confidential or personally identifying information, as set out in Section 10-75(b) of the Illinois Administrative Procedure Act [5 ILCS 100], shall be served by email.

4) Service by email is effective at the time of the transmission and will be deemed confirmed unless a failure to deliver message is received for all designated email addresses for that Board proceeding. If the Board receives notification that service to all designated email addresses fails, the Board will accomplish service by some other means, such as facsimile or First-Class or Priority Mail to the last facsimile or mailing address provided by the party.

(Source: Amended at 45 Ill. Reg. 1808, effective February 1, 2021)