

ITEM 1. Adopt the following **new** 486—Chapter 18:

## CHAPTER 18

### ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

**486—18.1(20) Effective date and scope.** This chapter governs the filing of documents in all proceedings before the appeal board brought pursuant to 486—Chapters 10 through 17.

**486—18.2(20) Definitions.**

*“Confidential”* means information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

*“EDMS”* means the electronic document management system the appeal board uses to collect, store, and send documents related to recertification elections cases likely to proceed to a contested case hearing.

*“Electronic filing”* means the electronic transmission of a document in EDMS together with the production and transmission of a notice of electronic filing.

*“Electronic record”* means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

*“Electronic service”* means EDMS electronic posting of a notice of electronic filing or presentation into the registered parties’ or attorneys’ EDMS accounts, along with a link to the document presented or filed.

*“Nonelectronic filing”* means a process by which a paper document or other nonelectronic item is filed with the appeal board.

*“Notice of electronic filing”* means the notice EDMS generates when a document is electronically filed or electronically presented to the appeal board.

*“PDF”* means a portable document format that is readable by the free Adobe® Acrobat® Reader.

*“Protected information”* means personal information, the nature of which warrants protection from unlimited public access, including:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

*“Public”* refers to appeal board files, documents, or information that is not confidential or protected.

*“Public access terminal”* means a computer located at the appeal board’s office where the public may view, print, and electronically file documents.

*“Registered user”* means an individual who has registered for an account in the appeal board’s EDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password. In cases in which the registered user has entered an appearance or filed an answer, the registered user will electronically serve and receive notice of electronic filing in cases in which the registered user has appeared.

*“Remote access”* means a registered user’s ability to electronically search, view, copy, or download electronic documents in an electronic record without the need to physically visit the appeal board’s office.

*“Signature”* means the following:

1. For a registered user electronically filing a document in EDMS, “signature” means the registered user’s username and password accompanied by one of the following:

- *“Digitized signature”* means an embeddable image of a person’s handwritten signature;

- *“Electronic signature”* means an electronic symbol (“/s/” or “/registered user’s name/”) executed or adopted by a person with the intent to sign; or

- *“Nonelectronic signature”* means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, “signature” means the signatory’s name affixed to the document as a digitized or nonelectronic signature.

*“Superb”* means a web interface database used by the appeal board for the secure upload of various documents generally related to public collective bargaining under Iowa Code chapter 20.

#### **486—18.3(20) EDMS registration, username, and password.**

##### **18.3(1) Registration.**

*a. Registration required.* Every individual filing documents or viewing or downloading filed documents must register as a registered user of EDMS.

*b. How to register.* To register, the individual must complete the registration process located at [perb.iowa.gov/efiling](http://perb.iowa.gov/efiling) and obtain a username and password for EDMS.

*c. Registration complete.* When the registration process is completed, the registered user will be assigned a username and password, and the registered user may utilize EDMS.

*d. Changing passwords.* Once registered, the registered user may change the user's password. If the registered user believes the security of an existing password has been compromised, the registered user must change the password immediately.

*e. Changes in registered user's contact information.* If a registered user's email address, mailing address, or telephone number changes, the registered user must promptly make the necessary changes to the registered user's information contained in EDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

*f. Duties of registered user.* Each registered user shall ensure that the registered user's email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

*g. Canceling registration.* Withdrawal from participation in EDMS cancels the registered user's profile but does not authorize nonelectronic filing of documents and is not a withdrawal from a proceeding.

*h. Appeal board-initiated registration.* The appeal board may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the appeal board completes the registration process, the registered user is required to promptly log in and change the password. Following initial notification regarding account registration, the registered user is required to promptly update and maintain accurate contact information for the EDMS account.

**18.3(2)** *Use of username and password.* A registered user is responsible for all documents filed with the registered user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

**18.3(3)** *Username and password security.* If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username or password must notify the appeal board promptly.

**18.3(4)** *Denial of access.* The appeal board may refuse to allow an individual to electronically file or download information in EDMS due to misuse, fraud or other good cause.

**486—18.4(20) Mandatory electronic filing and exceptions.**

**18.4(1)** *Electronic filing mandatory.* Unless otherwise required or authorized by these rules, documents in all proceedings and documents required to be filed pursuant to 486—Chapters 10 through 17 must be filed using EDMS.

**18.4(2)** *Exceptions.*

*a.* A show of interest submitted in a representative certification, combined bargaining unit determination or reconsideration/representative certification, or decertification proceeding will not be filed electronically.

*b.* Any item that is not capable of being filed in an electronic format must be filed in a nonelectronic format.

*c.* Upon a showing of exceptional circumstances that it is not feasible for an individual to file documents by electronic means, the appeal board may excuse the individual from electronic filing in a particular proceeding.

d. Any item that is required by rule to be filed in Superb, including but not limited to voter lists, contracts, annual reports, registration reports, constitutions, and bylaws, will not be filed electronically in EDMS.

**18.4(3)** *What constitutes filing.* The electronic transmission of a document to EDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

**18.4(4)** *Electronic file stamp.* Electronic documents are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

**18.4(5)** *Email or fax.* Emailing or faxing a document to the appeal board will not generate a notice of electronic filing and does not constitute electronic filing of the document unless otherwise ordered by the appeal board.

**18.4(6)** *Public assistance.* The appeal board will assist a member of the public with electronic filing upon request.

#### **486—18.5(20) Filing of paper documents.**

**18.5(1)** *Conversion of paper documents filed.* If the appeal board allows a party to file paper documents in accordance with paragraph 18.4(2) “c,” the appeal board will convert the filed documents to an electronic format viewable to registered users of EDMS.

**18.5(2)** *Form of paper documents.* Each document must be printed on only one side and be delivered to the appeal board with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the appeal board in an appropriate file folder.

**18.5(3)** *Return of copies by mail.* If a party wants a document filed in paper form to be returned by mail, the party must deliver to the appeal board a self-addressed envelope, with proper postage, large enough to accommodate the returned document.

**486—18.6(20) Date and time of filing.**

**18.6(1)** *Date of filing.* An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day EDMS is available.

**18.6(2)** *Time of filing.* A document is timely filed if it is filed before midnight on the date the filing is due.

**18.6(3)** *Returned filing.* A rejected filing is not filed. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved.

**486—18.7(20) Signatures.**

**18.7(1)** *Registered user.* A username and password accompanied by a digitized, electronic, or nonelectronic signature serve as the registered user's signature on all electronically filed documents.

**18.7(2)** *Documents requiring oaths, affirmations or verifications.* Any document filed requiring a signature under oath or affirmation or with verification may be signed electronically or nonelectronically but shall be filed electronically.

**18.7(3)** *Format.* Any filing requiring a signature must be signed with a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person's signature:

- a.* Name;
- b.* Name of firm, certified employee organization, or governmental agency;
- c.* Mailing address;
- d.* Telephone number; and

e. Email address.

**18.7(4) *Multiple signatures.*** By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

**486—18.8(20) Redaction of electronic documents.**

**18.8(1) *Responsibilities of filers generally.***

a. Prior to filing any document, the registered user must ensure that the document is certified as confidential or the confidential information is omitted or redacted and that protected information is omitted or redacted unless the protected information is required by statute or rule to be included or is material to the proceeding. This responsibility exists even when the filer did not create the document.

b. The appeal board will not review filings to determine whether appropriate omissions or redactions have been made.

**18.8(2) *Omission and redaction requirements.***

a. *Protected information that is not material to the proceedings.* A filer may redact protected information from documents filed with the appeal board when the information is not material to the proceedings.

b. *Protected information that is material to the proceedings.* When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the appeal board.

**18.8(3) *Information that may be redacted.*** A filer may redact the following information from documents available to the public unless the information is material to the proceedings:

- a. Driver's license numbers.
- b. Information concerning medical treatment or diagnosis.
- c. Personal financial information.
- d. Sensitive security information.
- e. Home addresses.

**18.8(4)** *Improperly included protected information.* A party may ask the appeal board to restrict access to improperly included protected information from a filed document. The appeal board may order a properly redacted document to be filed.

**486—18.9(20) General requirements when filing documents.**

**18.9(1)** *Format.* All documents must be converted to a PDF before they are filed in EDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and facing right-side up and having the scanned content of the document be legible.

**18.9(2)** *Separating documents.* Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

**18.9(3)** *Selecting document types.* For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into EDMS, only the appeal board may make corrections to the document type the filer has chosen.

**18.9(4)** *Correcting errors.* If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the appeal board as soon as possible. When contacting the appeal board, the filer must have available the case number of the document that was filed or docketed erroneously. If the appeal board discovers an error in the filing or

docketing of a document, the appeal board will ordinarily notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

**486—18.10(20) Service.**

**18.10(1)** *Initial filing.* An initial filing in a proceeding shall be served upon other parties in the manner specified in the chapter governing that type of proceeding. The document being served must be accompanied by a board-approved information sheet regarding mandatory electronic filing.

**18.10(2)** *Subsequent filings.* All subsequent filings shall be electronically served via EDMS unless a party to the proceeding is exempted from electronically filing documents by subrule 18.4(2). If a party is so exempted, all documents filed by all parties to the proceeding shall be served by ordinary mail and must include a certificate of service.

**18.10(3)** *Electronic service and distribution of electronic filings.*

*a.* When a document is electronically filed, it will be served through EDMS to all parties to the adjudicatory proceeding that are registered users. No other service is required unless ordered by the appeal board.

*b.* Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until the registered users have filed a withdrawal of appearance.

**18.10(4)** *Documents filed by the appeal board.* All documents generated by the appeal board issued in adjudicatory proceedings governed by this chapter shall be electronically filed and served.

**486—18.11(20) Transcripts and, briefs and exhibits.**

**18.11(1)** *Transcripts.* If a hearing or oral argument is transcribed, the transcript shall be made available to registered users electronically after final agency action and the costs of transcription have been paid by the nonprevailing party.

**18.11(2) Briefs.** Briefs and memoranda must be electronically filed. Page numbers should be located at the bottom center of each page and numbered consecutively using Arabic whole numbers. The cover page should be numbered one.

**486—18.12(20) Public access with exceptions for closed hearings.**

**18.12(1) General rule.** All filings with the appeal board are public unless system-restricted or filed with restricted access. Electronic filing does not affect public access to appeal board files.

**18.12(2) Closed hearings.** For proceedings in which a party has elected the right to a closed hearing, all initial pleadings must be filed without restriction. All briefs, exhibits, and transcripts must be filed as “confidential.” The decision constituting final agency action will be filed with unrestricted access.

**486—18.13(20) Superb.**

**18.13(1) Registration.**

*a. Registration required.* An employer, certified employee organization, or bargaining unit must ensure the necessary individual(s) representing the employer’s, certified employee organization’s, or bargaining unit’s interest before the appeal board are registered and the employer’s, certified employee organization’s, or bargaining unit’s information is updated appropriately. Every individual filing documents or downloading filed documents must register as a registered user of Superb.

*b. How to register.* To register, a user must contact the appeal board and request an account.

*c. Registration complete.* When the registration process is completed, the registered user will be assigned a username and password, and the registered user may utilize Superb.

*d. Changing passwords.* Once registered, the registered user may change the registered user's password. If the registered user believes the security of an existing password has been compromised, the registered user must change the password immediately.

*e. Changes in registered user's contact information.* If a registered user's email address, mailing address, or telephone number changes, the registered user must promptly make the necessary changes to the registered user's information contained in Superb.

*f. Duties of registered user.* Each registered user shall ensure that the registered user's email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

*g. Board-initiated registration.* The appeal board may complete the registration process on behalf of an individual in certain instances and email the username and password to the registered user. When the appeal board completes the registration process, the registered user is required to promptly log in and change the password. Following initial notification regarding account registration, the registered user is required to promptly update and maintain accurate contact information for a Superb account.

**18.13(2)** *Use of username and password.* A registered user is responsible for all documents filed with the registered user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

**18.13(3)** *Username and password security.* If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username or password shall notify the appeal board promptly.

**18.13(4)** *Denial of access.* The appeal board may refuse to allow an individual to electronically file or download information in Superb due to misuse, fraud or other good cause.

**18.13(5)** *Public access.* All documents publicly available and contained within Superb will not require a user account to access. The public-facing search portal provides access to public documents and is searchable free of charge.

These rules are intended to implement Iowa Code section 20.24.