

CHAPTER 16
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

621—16.1(20) Effective date and scope. This chapter governs the filing of documents in all proceedings before the agency, or those proceedings converted to electronic proceedings upon the board's order. To the extent the rules in this chapter are inconsistent with any other administrative rule of the board, the rules in this chapter shall govern.

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—16.2(20) Definitions.

“Agency record” means for all cases the electronic files maintained in EDMS, filings the agency maintains in paper form when permitted by these rules, and exhibits and other materials filed with or delivered to and maintained by the agency.

“Confidential” means agency files, documents, or 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 agency's electronic filing and case management system, generally used for the collection and storage of documents related to cases likely to proceed to hearing or contested cases.

“Electronic filing” means the electronic transmission of a document to the electronic document management system 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 the electronic transmission of a link where the registered users who are entitled to receive notice of the filing may view and download filed documents.

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

“Notice of electronic filing” means a document generated by the electronic document management system when a document is electronically filed.

“PDF” means an electronic document filed in a portable document format which 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 agency files, documents, or information that is not confidential or protected.

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

“Registered user” means an individual who has registered for an e-filing account through the agency'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 agency'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 board for the secure upload of various documents generally related to elections, the internal conduct of employee organizations, contracts, and the dissemination of notices related to elections.

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621—16.3(20) Electronic document management system (EDMS) registration, username, and password.

16.3(1) Registration.

a. Registration required. Every individual filing documents or viewing or downloading filed documents must register as a registered user of the electronic document management system.

b. How to register. To register, the individual must complete the registration process located at perb.iowa.gov/efiling and obtain a username and password for the electronic document management system.

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 the electronic document management system.

d. Changing passwords. Once registered, the 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. The agency may require password changes periodically.

e. Changes in registered user’s contact information. If a registered user’s email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user’s information contained in the electronic document management system. 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 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 the electronic document management system cancels the registered user’s profile but does not authorize nonelectronic filing of documents and is not a withdrawal from a proceeding.

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

16.3(2) Use of username and password. A registered user is responsible for all documents filed with the user’s username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

16.3(3) Username and password security. If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the agency promptly.

16.3(4) Denial of access. The agency may refuse to allow an individual to electronically file or download information in the electronic document management system due to misuse, fraud or other good cause.

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—16.4(20) Mandatory electronic filing and exceptions.

16.4(1) Electronic filing mandatory. Unless otherwise required or authorized by these rules, documents in all proceedings and documents required to be filed pursuant to 621—Chapter 8 must be filed using the agency’s electronic document management system.

16.4(2) Exceptions.

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

b. Any item that is not capable of being filed in an electronic format shall 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 board may excuse the individual from electronic filing in a particular proceeding.

d. A voter eligibility list submitted by an employer shall be emailed to the agency as provided in 621—subrule 5.2(2).

e. All filings in proceedings initially filed prior to January 1, 2015, unless converted to an electronic proceeding by board order, shall not be filed electronically.

16.4(3) What constitutes filing. The electronic transmission of a document to the electronic document management system 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.

16.4(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.

16.4(5) Email or fax. Emailing or faxing a document to the agency will not generate a notice of electronic filing and does not constitute electronic filing of the document unless otherwise ordered by the agency.

16.4(6) Public assistance. The agency shall assist a member of the public with electronic filing upon request.

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—16.5(20) Filing of paper documents.

16.5(1) Conversion of paper documents filed. If the board allows a party to file paper documents in accordance with paragraph 16.4(2) “c,” the agency will convert the filed documents to an electronic format viewable to registered users of the electronic document management system.

16.5(2) Form of paper documents. Each document must be printed on only one side and be delivered to the agency 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 agency in an appropriate file folder.

16.5(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 agency a self-addressed envelope, with proper postage, large enough to accommodate the returned document.

[ARC 1583C, IAB 8/20/14, effective 9/24/14]

621—16.6(20) Date and time of filing.

16.6(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 the electronic document management system is available.

16.6(2) Time of filing. A document is timely filed if it is filed before midnight on the date the filing is due.

16.6(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.
[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—16.7(20) Signatures.

16.7(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.

16.7(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.

16.7(3) Format. Any filing requiring a signature must be signed, with either a nonelectronic signature (actual signature scanned), an electronic signature (the symbol “/s/” or “/registered user’s name/”), or a digitized signature (an inserted image of a handwritten 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.

16.7(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.

[ARC 1583C, IAB 8/20/14, effective 9/24/14]

621—16.8(20) Redaction of electronic documents.

16.8(1) Responsibilities of filers generally.

a. Prior to filing any document, the registered user shall ensure that the document is certified as confidential or the confidential information is omitted or redacted in accordance with 621—subrule 2.13(2), and that protected information is omitted or redacted in accordance with 621—subrule 2.13(3). This responsibility exists even when the filer did not create the document.

b. The agency will not review filings to determine whether appropriate omissions or redactions have been made. The agency will not, on the agency’s own initiative, redact or restrict access to documents containing protected information.

16.8(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 agency 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 agency.

16.8(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.

16.8(4) Improperly included protected information. A party may ask the agency to restrict access to improperly included protected information from a filed document. The agency may order a properly redacted document to be filed.

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—16.9(20) General requirements when filing documents.

16.9(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.

16.9(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.

16.9(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 agency may make corrections to the document type the filer has chosen.

16.9(4) *Correcting errors.* If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the agency as soon as possible. When contacting the agency, the filer must have available the case number of the document that was filed or docketed erroneously. If the agency discovers an error in the filing or docketing of a document, the agency 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. [ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—16.10(20) Service.

16.10(1) *Initial filing.* An initial filing in a proceeding shall be served upon other parties nonelectronically in the manner specified in rule 621—2.15(20). The document being served must be accompanied by an agency-approved information sheet regarding mandatory electronic filing. Unless exempted by subrule 16.4(2), proof of service of the initial filing shall be electronically filed.

16.10(2) *Subsequent filings.* All subsequent filings shall be electronically served via the electronic document management system, unless a party to the proceeding is exempted from electronically filing documents by subrule 16.4(2). If a party is so exempted, all documents filed by all parties to the proceeding shall be served in accordance with rule 621—2.15(20).

16.10(3) *Proof of service of nonelectronic filings.*

- a. Parties filing pursuant to paragraph 16.4(2) “b” shall file a proof of service electronically.
- b. Parties filing pursuant to the exceptional circumstances provision in paragraph 16.4(2) “c” must attach a nonelectronic proof of service to the filing.
- c. Parties to a proceeding initially filed prior to January 1, 2015, must attach a nonelectronic proof of service to their nonelectronic filings.

16.10(4) *Electronic service and distribution of electronic filings.*

- a. When a document is electronically filed, it will be served through the electronic document management system to all parties to the adjudicatory proceeding who are registered users. No other service is required unless ordered by the agency.
- b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until they have filed a withdrawal of appearance.

16.10(5) *Agency-generated documents.*

- a. *Electronic filing and service.* All agency-generated documents issued in adjudicatory proceedings governed by this chapter shall be electronically filed and served.
- b. *Paper copies.* The agency shall not mail paper copies of any documents absent approval by the board.

[ARC 1583C, IAB 8/20/14, effective 9/24/14]

621—16.11(20) Discovery. Parties shall file a notice with the agency when a notice of deposition or a discovery request or response is served on another party. The notice filed with the agency shall include the date, manner of service, and the names and addresses of the persons served. Other discovery materials shall not be filed unless ordered by the presiding officer.

[ARC 1583C, IAB 8/20/14, effective 9/24/14]

621—16.12(20) Transcripts, briefs and exhibits.

16.12(1) *Transcripts.* If a hearing or oral argument is transcribed, the transcript shall be made available to registered users electronically after final agency action.

16.12(2) Briefs. Briefs and memoranda shall 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.

16.12(3) Exhibits. Prior to offering an exhibit, the submitting party must redact the exhibit pursuant to rule 621—16.8(20). A party's exhibits admitted into evidence at a hearing shall be electronically filed by the party not later than the date ordered by the presiding officer or board. All exhibits shall be marked with an identifying number or letter, whichever is applicable. For each exhibit, the pages must be numbered consecutively with the first page numbered one.

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—16.13(20) Public access with exceptions for closed hearings.

16.13(1) General rule. All filings with the agency are public unless system-restricted or filed with restricted access. Electronic filing does not affect public access to agency files.

16.13(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.

[ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—16.14(20) Secure upload PERB (suPERB) registration, username, and password. SuPERB is the document management system used to upload and file documentation related to elections, internal conduct of employee organizations, contracts, impasse requests, and other documents as prescribed by the agency.

16.14(1) Registration.

a. Registration required. Employers, certified employee organizations, and bargaining units must ensure the necessary individuals representing their interest at the agency are registered and their information 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 request the creation of an account from the agency.

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 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. The agency may require password changes periodically.

e. Changes in registered user's contact information. If a registered user's email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user's information contained in suPERB. 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 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. Agency-initiated registration. The agency may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the agency completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for a suPERB account.

16.14(2) Use of username and password. A registered user is responsible for all documents filed with the user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

16.14(3) Username and password security. If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the agency promptly.

16.14(4) Denial of access. The agency may refuse to allow an individual to electronically file or download information in suPERB due to misuse, fraud or other good cause.

16.14(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.

[ARC 7011C, IAB 5/3/23, effective 6/7/23]

These rules are intended to implement Iowa Code section 20.24.

[Filed ARC 1583C (Notice ARC 1507C, IAB 6/25/14), IAB 8/20/14, effective 9/24/14]

[Filed Emergency ARC 3278C, IAB 8/30/17, effective 8/10/17]

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