



STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

FORM HLRB-25
E-FILING CONSENT FORM AND PROTOCOL
(Revised April 2017)

Parties appearing before the Hawaii Labor Relations Board (Board), and their representative(s) are offered the opportunity, on a voluntary basis, to file and serve documents electronically via File & ServeXpress (FSX).

There is no cost to the user for basic FSX usage. Basic usage include: electronically filing and electronically serving case documents, viewing your or your firms' case docket and the documents filed in those cases.

Electronic filing of documents submitted on paper; filing date and time preserved. The clerk shall electronically file any paper document filed with the Board. The receipt date and time stamp reflected on the conventionally filed document shall be deemed the filing date. Once electronically filed, the clerk shall not retain the paper document.

The Board reserves the right to change the terms of this agreement and to modify or cancel the Protocols and the E-Filing system described below at any time, upon written notice to a party or its representative. A party utilizing the Board's E-Filing system agrees to be bound by the most current version of the agreement and Protocols, which will supersede all previous versions; a copy of the most current version of the agreement and Protocols is available on the Board's official website. Following a revision, a party may opt out of this agreement by providing written notice to the board.

CONSENT TO E-FILING - FILE & SERVEXPRESS

These Protocols apply only to Parties that have registered with FSX (registered parties) and have voluntarily agreed to receive service by E-mail.

Cases Eligible for E-Filing: All Cases under Hawaii Revised Statutes (HRS) Chapters 89, 377 and 396.

1. **Voluntary Electronic Filing:** All cases filed under HRS Chapter 89, Chapter 377 or Chapter 396 may be initiated electronically upon the signing of this Consent form and registering with FSX.
2. The following applies to the electronic service of pleadings and other documents:
 - a. **Filing and Electronic Service.** All registered parties or their representatives shall file all documents through FSX, which shall have the same legal effect as the filing of an original paper document. Parties who register with FSX consent to receive electronic service of documents via FSX's system from the Board and any other registered party. All registered parties may use e-service for electronic service on other registered parties electronically through FSX. If a party or party's designee

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has not registered with FSX, then a registered party shall make service to a non-registered party personally or via United States Postal Service (USPS) mail at the registered party's expense.

The certificate of service shall state whether the document was served electronically or by mail.

- b. **Effect of Electronic Service of Filings.** The electronic service of a pleading or other document on a party registered with FSX shall be considered valid and effective service and shall have the same legal effect as the service of a paper document.
 - c. **Service on Parties; Time to Respond or Act.** E-service shall be deemed complete at the time the FSX's system receives the document as reflected by the authorized date and time appearing on the confirmation provided. However, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Board is not open for business shall be deemed to have been filed on the next day the Board is open for business. If electronic service on a party does not occur because of: (1) inaccessibility to the FSX's system; (2) an error in the FSX's transmission of notice to the party being served; (3) the FSX's failure to process the electronic filing for service; or (4) the party was erroneously excluded from the service list, the party to be served shall, absent extraordinary circumstances, be entitled to a Board order extending the date for any response or the period within which any right, duty, or other act must be performed.
 - d. **The use of a user ID and password to electronically file a document shall have the same effect as a signature on a paper document.** The use by a party's employee or office staff member of a party's user ID and password shall constitute the party's signature on the document; parties shall not permit the use of the party's user ID and password by anyone not so authorized.
3. The Board's Administrative Rules that are not affected by the foregoing Protocols shall remain in full force and effect. A party that registers with FSX agrees to waive or modify any Administrative Rule that is affected by the foregoing Protocols, pursuant to HRS § 91-9(d).
 4. Until there is an amendment to the Board's Administrative Rules, the Board will give written notice to parties who have not signed this Board Agreement of all hearings pursuant to Hawaii Revised Statutes §§ 89-5.1, 377-9, and 396-11.5; to all parties in proceedings pursuant to HRS § 396-11.5 and in unfair labor practice proceedings; and will continue to mail hard copies of all final orders to all parties.
 5. Each party shall maintain with FSX its current e-mail address at all times, and any change in a party's e-mail address shall be immediately filed in FSX's "Preferences" menu, "My Organization Profile" section, "Manage Users."

The Undersigned hereby agrees to file and receive all documents filed under HRS Chapters 89, 377 or 396 through e-filing system with FSX, in accordance with the above Protocols.

Name: _____
Name of Law Firm, Organization or Individual (Law Firm, Union, Corporation Counsel, Individual, etc.)

Dated: _____

Signature
The person signing above agrees that by signing his or her name in the above space with a "/s/ first, middle, last names" is deemed to be treated like an original signature.

Name of Person Signing if different from the first line above:

Mailing Address: _____

Telephone: _____

e-mail: _____

FSX Administrator for the office *(if applicable)*:

Names(s): _____

e-mail: _____

Phone: _____

*Please fill out, sign and return this form to the **Hawaii Labor Relations Board, 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813** or email to dhir.laborboard@hawaii.gov. Upon receipt of the signed agreement, the Board will email you instructions to register with **File and ServeXpress**.*