

DEPARTMENT OF CIVIL RIGHTS

CIVIL RIGHTS COMMISSION

ORGANIZATION, PRACTICE, AND PROCEDURE

(By authority conferred on the civil rights commission by section 29 of article V of the state constitution of 1963 and section 601 of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2601)

R 37.1 Civil rights within commission jurisdiction.

Rule 1. The civil rights within the jurisdiction of the commission shall be those guaranteed by law and the constitution including, but not limited to, the areas of equal protection of the laws, employment, education, housing, and public accommodations. The jurisdiction of the commission shall not be limited to the processing of complaints.

History: 1979 AC.

R 37.2 Definitions.

Rule 2. As used in these rules:

(a) "Certified complaint" means a complaint of discrimination, drafted by department staff on an official complaint form that is prepared after a preliminary determination of jurisdiction, and has the claimant's signature.

(b) "Chairperson" means the duly appointed or elected chairperson or a co-chairperson of the commission or, in the event of his or her or their absence, the acting chairperson designated by the remaining members of the commission.

(c) "Charge" means that document or pleading authorized by the department that initiates a contested case hearing under R 37.12.

(d) "Claimant" means any person who makes a complaint of discrimination to the department.

(e) "Commission" means the state civil rights commission created by section 29 of article V of the constitution.

(f) "Commissioner" means any member of the commission.

(g) "Complaint" means a communication from the claimant to the department that alleges discrimination as set forth in R 37.4.

(h) "Constitution" means the state constitution of 1963.

(i) "Day" means a calendar day, including a Saturday, Sunday, and state holiday.

(j) "Department" means the department of civil rights established by section 475 of the Executive organization act of 1965, 1965 PA 380, MCL 16.575.

(k) "Department investigator" means a member, agent, or employee of the department designated or delegated by the director to conduct an investigation.

(l) "Director" means the director of the department appointed by the commission.

(m) "Hearing commissioner" means a commissioner designated by the chairperson or the commission to conduct a hearing.

(n) "Hearing referee" means an agent of the commission designated or delegated by the chairperson or the director to conduct a hearing.

(o) "Party" or "parties" means the claimant or respondent, or both, and the commission or department, or both, where appropriate.

(p) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, this state, or a political subdivision or agency of this state, or another legal or commercial entity.

(q) "Respondent" means person against whom the claimant has complained, or against whom the department has issued a charge.

(r) "Summary of complaint" means a document prepared by department staff following an intake interview that explains why a certified complaint was not taken and outlines the timeline to request a reconsideration of that decision.

History: 1979 AC; 1985 AACS; 2023 MR 10, Eff. May 16, 2023.

R 37.3 Commission; election and tenure of officers; quorum; voting.

Rule 3. (1) The commission, each January, shall elect from its members by a majority vote of the commission a chairperson or co-chairpersons and such other officers as the commission shall determine, who shall serve during the balance of the calendar year and until their successors have been duly elected and qualified.

(2) A majority of all members of the commission shall constitute a quorum. A majority of all the members shall be required to decide matters of a nonministerial nature, but a majority of a quorum may decide ministerial matters. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

History: 1979 AC; 1985 AACS.

R 37.4 Complaints.

Rule 4. (1) A person claiming to be aggrieved by unlawful discrimination may personally, or through counsel or other agent, submit a complaint to the department.

(2) A commissioner, director, or agent authorized by the commission or director, may initiate, make, sign, and file a complaint in the public's interest.

(3) Assistance in drafting and filing a complaint must be available without charge at all department offices.

(4) A certified complaint must be in writing, dated, and include all of the following:

(a) The full name and address of the claimant and his or her agent, if any.

(b) The full name and address of the respondent.

(c) The alleged discrimination and a detailed statement describing it. ~~the particulars thereof.~~

(d) The date, dates, or range of dates of the alleged discrimination and whether the alleged discrimination is of a continuous nature.

(e) The claimant's signature.

(5) The complaint must be filed with the department at 1 of its offices.

(6) The complaint must be filed within 180 days after the date of the alleged discrimination, or within 180 days after the date when the alleged discrimination was or should have been discovered. If the alleged discrimination is of a continuous nature, the date of the discrimination is any date after the commencement of the discrimination, up to and including the date upon which the discrimination ceased.

(7) The complaint may be filed by personal delivery, mail, or electronic service, and addressed or emailed to 1 of the department's offices.

(8) Complaint forms may be obtained at any of the offices of the department.

(9) A copy of the complaint filed by the claimant must be delivered or mailed to the respondent.

(10) The department may require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony, and compel, through court authorization, compliance with its orders or an order of the commission.

(11) A complaint, or part of a complaint, may only be withdrawn with written consent of the commission or department upon conditions considered proper under the circumstances.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.5 Conciliation conference.

Rule 5. (1) The respondent may be invited, at any time, to participate in a conciliation conference in a final attempt to address and eliminate the alleged discrimination.

(2) The members of the commission and the department staff shall not disclose what has transpired at the conciliation conference.

(3) If the conciliation conference is successful, the department shall notify the parties of the resolution and close the case.

(4) If the conciliation conference fails, the department may do any of the following:

(a) Conduct additional investigation.

(b) Dismiss the certified complaint based on the investigation.

(c) Refer the case for final legal review with a recommendation for a charge and an administrative hearing.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.6 Charge; issuance; refusal to issue.

Rule 6. (1) If, after investigation, the department determines that there are sufficient grounds, a charge shall be issued.

(2) If the department determines that there are insufficient grounds to issue a charge, it shall refuse to issue a charge and shall notify the parties by mail or electronic service of the determination and the refusal, together with the reasons for refusal, and of the claimant's right to request reconsideration by the department of the determination within 30 days after the date of mailing, in accordance with R 37.7.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.7 Reconsideration of refusal to issue charge; request; hearing.

Rule 7. (1) A claimant may request that the department reconsider a summary of complaint or refusal to issue a charge on a certified complaint. The request must be in writing, state specifically the grounds upon which it is based, and be filed within 30 days after the date of mailing of the notice of disposition of which reconsideration is requested. It must be filed at any office of the department by personal delivery or by mail.

(2) A reconsideration of a summary of complaint must review whether the request for reconsideration is timely filed and if the allegations are jurisdictional.

(3) Reconsideration of a closed or dismissed certified complaint must be filed within 30 days of closure or dismissal and must address the following 3 criteria:

(a) Whether an adequate investigation was conducted.

(b) Whether there is new probative evidence that may change the result of the investigation.

(c) Whether the determination was made in error.

(4) The department may authorize a hearing on the request for reconsideration at a time and place before the hearing commissioner or commissioners or hearing referee or referees as it or the director may determine, and notice must be given to all parties to the proceedings by mail, electronic service, or delivery. The parties may appear in person or by counsel, present witnesses and testimony, and examine and cross-examine witnesses. Verbatim stenographic notes of the proceedings must be made and maintained by a competent reporter. The hearing commissioner or commissioners or hearing referee or referees shall report to the commission on the proceedings. The commission shall determine whether the department shall consider the matter further, and notify all parties by registered or certified mail, return receipt requested, and issue instructions for appropriate action based upon such determination.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.8 Charge; form and content.

Rule 8. The charge shall be in writing, in such form and content as the department determines.

History: 1979 AC.

R 37.9 Charge; amendment.

Rule 9. The commission on its own motion, on motion of the department, or on motion of the claimant may amend a charge at any time prior to issuance of an order based on the charge.

History: 1979 AC.

R 37.10 Charge; service.

Rule 10. Copies of the charge or amended charge must be delivered by mail or electronic service or sent by certified or registered mail, return receipt requested, to the parties, together with notice to the respondent to answer the charge as provided in R 37.11.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.11 Answer.

Rule 11. (1) The respondent shall file a written verified answer to the charge of discrimination within 21 days after the date of service of the charge.

(2) The answer must be filed in duplicate at any office of the department. The filing must be by personal delivery mail or electronic service, with proof of service.

(3) Upon request, the commission or director may, for good cause shown, extend the time within which the answer may be filed.

(4) The answer must be in writing and the original must be signed and verified by the respondent. The answer must contain the address of the respondent, and if he or she is represented by counsel, the name and address of counsel. The answer must contain a general or specific denial or admission or a denial of any knowledge or information sufficient to form a belief of every allegation of the charge and a statement of any matter constituting a defense. An allegation in the charge that is not denied or admitted in the answer, unless the respondent states in the answer that he or she is without knowledge or information sufficient to form a belief, is considered admitted.

(5) The respondent has the right, reasonably and fairly, to amend his or her answer. Both of the following apply to an amended answer:

(a) The respondent's right to amend his or her answer may be exercised at any time, without permission, up to 10 days before the first hearing. If the first hearing is in less than 10 days, the respondent may apply, and the hearing commissioner or hearing referee may allow the respondent to amend his or her answer.

(b) Duplicate copies of an amended answer must be filed with the department.

(6) If an answer is not filed within the time provided for in these rules, each of the allegations in the charge are considered admitted. Upon application, the hearing commissioner or hearing referee, for good cause shown, may set aside the admission.

(7) The department, within 7 days after the date of receiving an answer or amended answer from the respondent, shall send a copy by mail or electronic service, with proof of service, to the claimant's last known address of record or to the claimant's counsel.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.12 Hearing.

Rule 12. (1) Upon or after the issuance and service of a department-issued charge, the commission or director may schedule and summon the parties to a hearing. The commission may, at any time, schedule and conduct a hearing with respect to any matter

that in the judgment of the commission may involve unlawful discrimination and may warrant investigation by the commission, regardless of whether a charge or complaint has been filed by or with the department.

(2) Notice of the time and place of the hearing must be mailed, electronically served, or delivered to the parties not less than 21 days before the date of the hearing. Upon good cause shown, the commission or director may order a hearing upon shorter notice. However, notice of the time and place of a hearing upon shorter notice must be mailed, electronically served, or delivered to the parties not less than 7 days before the date of the hearing, unless notice is waived by each party.

(3) A hearing must be conducted by 1 or more hearing commissioners, or 1 or more hearing referees, or any combination of hearing commissioners or hearing referees. The hearing commissioners or hearing referees shall hear the evidence and report to the commission.

(4) Unless waived by the hearing commissioners or hearing referees, the claimant shall be present at the hearing. The respondent may appear at the hearing in person or by counsel, examine and cross-examine witnesses and, if an answer has been filed, may submit oral testimony and other evidence in support of the answer.

(5) Subject to R 37.31, hearings must be held at a place designated by the commission or director having due regard for the convenience of the parties and witnesses.

(6) The case in support of the charge must be presented at the hearing by the department's counsel or by a member of the department's staff, or upon notice from the claimant, by the claimant or his or her counsel, subject to the right of the department to present additional evidence or arguments.

(7) Hearing commissioners or hearing referees have full authority to control the procedure of the hearing, admit or exclude testimony or other evidence without regard to strict rules of evidence, and rule upon all motions and objections, and may do any of the following:

(a) By motion or at the request of a party, order witnesses excluded so that they cannot hear the testimony of other witnesses. The hearing commissioners or hearing referees shall not exclude a party, an individual designated by a party as its representative, or a person whose presence is shown by a party to be essential to the party's presentation of his or her position.

(b) Examine witnesses and direct the production of papers or other evidence.

(c) Hear oral testimony. Oral testimony must be given under oath or affirmation and verbatim stenographic notes of the hearing must be made and maintained by a competent reporter. Transcripts must be maintained and, before the issuance of a final order, be available to the hearing commissioners or hearing referees. Parties may obtain transcripts by making arrangements with the reporters, and the department is not responsible for providing transcripts to the parties before the issuance of final orders.

(8) If hearings are conducted by 3 or more commissioners or referees, all rulings and determinations are made by majority rule.

(9) Evidence of the department's endeavors at conciliation is not admissible at the hearing.

(10) Hearing commissioners or hearing referees or a party may request a prehearing conference that the hearing commissioner or hearing referee may schedule, subject to

objection by any party. A prehearing conference may be held to obtain admissions, stipulations as to fact and law, agreement on the issues, and to determine the authenticity of documents. A prehearing conference may be held in-person, by telephone, videoconference, or other electronic means. Written stipulations may be introduced in evidence if signed by each person sought to be bound, or by his or her counsel. Oral stipulations may be made on the record at open hearing.

(11) Hearing commissioners or hearing referees may continue a hearing from day to day or adjourn it to a later date or to a different place by an announcement at the hearing or by appropriate notice to all parties.

(12) Hearing commissioners or hearing referees shall allow the parties, their counsel, or the member of the department's staff presenting the case in support of the charge, and may allow interveners, to argue orally before them and to file briefs within the time limits the hearing commissioners or hearing referees determine.

(13) Hearing commissioners or hearing referees may exclude any person who engages in improper conduct before them from the hearing room or from further participation in the proceeding, except a party, his or her counsel, or a witness engaged in testifying, each of whom are subject to appropriate disciplinary action by the commission.

(14) Hearings must be open to the public, unless the hearing commissioners or hearing referees determine otherwise.

(15) Any motion filed by a party after the issuance of a charge and before the hearing must be referred to the hearing commissioners or hearing referees for decision. The hearing commissioners or hearing referees may request briefs and schedule oral arguments, as they consider necessary, and, where appropriate, they may reserve their ruling until the conclusion of the hearing. All rulings upon motions must be included in the report of the hearing commissioners or hearing referees to the commission.

(16) A party may submit, or the hearing commissioners or hearing referees may request, proposed findings of fact, proposed conclusions of law, and proposed orders at the conclusion of the hearing. All proposals must be submitted to the commission with the report of the hearing commissioners or hearing referees.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.13 Service of documents upon counsel.

Rule 13. If counsel has appeared in writing on behalf of a party, a copy of any notice, pleading, or other document required to be sent to a party under these rules shall be mailed to counsel instead of the party, unless there is a written request from the party or counsel that a copy be mailed to the party also.

History: 1979 AC.

R 37.14 Orders to submit pertinent material and require attendance of witnesses; other powers; cost of service; witness and mileage fees.

Rule 14. (1) At the instance of a party or on its own behalf, the commission or the department may order the submission of books, papers, records, and other pertinent

material, and require the attendance of witnesses, administer oaths, take testimony and receive evidence, and compel, through court authorization, compliance with its orders.

(2) Where an order is issued at the instance of a party to the inquiry or proceedings, other than the commission or a member thereof, or the department, the cost of service and witness and mileage fees shall be borne by the party at whose instance it has been requested and issued. When an order is issued at the instance of the commission, or a member thereof, or the department, the cost of such service and witness and mileage fees shall be borne by the commission or department. Such witness and mileage fees shall be the same as are paid to witnesses in the circuit courts of the state of Michigan.

History: 1979 AC.

R 37.15 Depositions.

Rule 15. In accordance with the Michigan general court rules, the commission, or any member thereof, or the director, on its own motion or on the application of 1 of the parties, may take or cause to be taken depositions of witnesses residing within or without the state.

History: 1979 AC.

R 37.16 Order issued after hearing.

Rule 16. (1) An order of the commission issued after hearing shall set forth the findings of fact and the basis for its decision. Following a hearing conducted under R 37.12, and prior to a final order, the commission shall transmit to the parties a copy of the report of the hearing commissioners or referees and shall give parties an opportunity to file exceptions and present written arguments to the commission. The commission may permit oral argument prior to its final decision.

(2) If upon the evidence at the hearing the commission shall find that a respondent has engaged in any unlawful discrimination, the commission shall state its findings of fact and may issue an order requiring such respondent to cease and desist from such unlawful discriminatory act and to take such affirmative action as the commission may deem appropriate, which may include reporting from time to time the manner and extent of compliance. If upon the evidence the commission shall find that a respondent has not engaged in unlawful discrimination, the commission shall state its findings of fact and shall issue an order dismissing the charge as to such respondent.

(3) Copies of orders shall be served upon parties, interveners, and their counsel by registered or certified mail, return receipt requested, or by such other means as are reasonably calculated to give actual notice, accompanied by a notice of the statutory right to judicial appeal.

(4) All orders issued after a hearing shall be filed with the director. Such orders shall be open to public inspection during regular office hours of the department.

(5) When deemed by the commission necessary to safeguard the interest of persons concerned and to prevent injustice, the commission at any time prior to or subsequent to the issuance of a charge may issue its own order or the commission or the department

may apply to an appropriate court for the issuance of an order directed to or against any person or persons enjoining or prohibiting any conduct or threat thereof which violates or jeopardizes any of the rights of any person or persons guaranteed by law or the constitution.

History: 1979 AC.

R 37.17 Reopening of proceedings.

Rule 17. The commission upon its own motion, or upon request of any party or intervener, whenever justice so requires, may at any time reopen any closed proceeding upon notice to all parties and interveners. The department may reopen any proceeding closed by the department in the same manner.

History: 1979 AC.

R 37.18 Appeals from order of commission.

Rule 18. Any party claiming to be aggrieved by a final order of the commission or the department, including without limitation a refusal to issue a charge, may appeal to the circuit court of the state of Michigan having jurisdiction provided by law within 30 days of the date of service of an appealable order.

History: 1979 AC.

R 37.19 Modification or setting aside of orders.

Rule 19. Until an appeal shall have been filed in a court, as provided in R 37.18, the commission may, at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any findings or order made by it.

History: 1979 AC.

R 37.20 Declaratory ruling.

Rule 20. (1) The commission, on petition of an interested person, may issue a declaratory ruling as to the applicability of a statute, regulation, or rule to an actual state of facts upon submission to the commission of each of the following:

(a) A clear and concise statement of the facts.

(b) A legal brief, memorandum, or other reference to legal authorities relied upon.

(2) The commission, if it determines it shall issue a declaratory ruling, shall furnish the person with a statement to that effect and set forth the time in which the commission shall issue the ruling. The commission shall not issue a declaratory ruling after a complaint has been filed with the department.

(3) A ruling shall contain the statement of facts upon which it is based and the legal authority on which the commission relies. A ruling, once issued, is binding on the

commission and the commission may not retroactively change the ruling, but nothing in this rule shall prohibit the commission from prospectively changing a ruling.

History: 1979 AC.

R 37.21 Rules; adoption; amendment or rescission.

Rule 21. New rules may be adopted and any rule may be amended or rescinded by the commission at a regular or special meeting, provided that not less than 5 members are present and voting in favor of such amendment and notice thereof shall have been given to all members of the commission not less than 10 days before the meeting at which action it is to be taken.

History: 1979 AC.

R 37.22 Rules; availability; construction.

Rule 22. (1) The rules of the commission shall be available to the public at all offices of the department.

(2) These rules shall be liberally construed to accomplish the purposes of the constitution and the policies of the commission.

History: 1979 AC.

R 37.23 Guidelines.

Rule 23. The commission may adopt interpretive or procedural guidelines, or both, at a regular or special meeting, if not less than 5 members are present and are voting in favor of such guidelines and notice thereof is given to all members of the commission not less than 10 days before the meeting at which action is to be taken. Guidelines may be amended or rescinded by the same procedure. The guidelines shall be available to the public at all offices of the department.

History: 1979 AC.

R 37.24 Record making and keeping; disclosure.

Rule 24. (1) Any person who wishes, for purposes not inconsistent with the constitution and statutes, to make any of the records prohibited by sections 206 and 402(c) of Act No. 220 of the Public Acts of 1976 and sections 206 and 402(c) of Act No. 453 of the Public Acts of 1976, being SS37.1206, 37.1402(c), 37.2206, and 37.2402(c) of the Michigan Compiled Laws, may apply to the commission, stating the specific purpose, method of compilation, and disposition of such information. The commission may permit the making or keeping of such records for limited periods upon such application.

(2) A person subject to section 206 of Act No. 453 of the Public Acts of 1976 and section 206 of Act No. 220 of the Public Acts of 1976, being SS37.2206 and 37.1206

of the Michigan Compiled Laws, shall, upon request of the department or commission, disclose information covered by the above sections and shall not thereby be in violation of those provisions. A person subject to the same sections may retain records and information previously and lawfully obtained from prospective employees, but may not disclose that information, except as provided in this rule.

History: 1979 AC.

R 37.25 Exemption from particular section of act; bona fide occupational qualification (BFOQ).

Rule 25. (1) A person subject to article 2 of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2201 to 37.2211, may apply to the commission for exemption from particular sections of article 2 of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2201 to 37.2211, on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification (BFOQ). An application for a BFOQ exemption may be obtained from the department's office of legal affairs or via the website at www.michigan.gov/mdcr.

(2) The commission may direct the department to investigate any matter deemed relevant to an application, and the applicant shall make available all records, documents, data, or other information requested by the department or commission. Failure to provide this information results in denial of the application.

(3) An exemption must not be granted if the same facts and circumstances are at issue in a complaint pending before the department or commission. Upon a sufficient showing, the commission may grant an exemption. The exemption may be later revoked by the commission if the commission obtains other or different information, but the revocation is prospective. Any person obtaining an exemption shall notify the commission if and when the classification exempted is no longer utilized.

(4) An approved BFOQ exemption is effective for not more than 5 years after the date of the order of exemption issued by the commission.

(5) Within 21 days' after notice to the person to whom an approved BFOQ exemption has been granted, the commission may revoke the BFOQ exemption by a majority vote of the commission.

(6) An application to renew a BFOQ exemption may be submitted on the application form provided by the department.

History: 1979 AC; 2023 MR 10, Eff. May 16, 2023.

R 37.26 Agreement or memorandum of understanding with local human rights agency or commission.

Rule 26. With the approval of the commission, the department may enter into agreements or memoranda of understanding with local human rights agencies or commissions, where such agreements shall facilitate the purposes of the constitution and civil rights statutes administered by the department and the commission. The agreements may include certification for the investigation of deferred complaints.

History: 1979 AC.

R 37.27 Voluntary plans.

Rule 27. (1) Any person requesting approval of a plan in accordance with the provisions of sections 210 and 507 of Act No. 453 of the Public Acts of 1976, and sections 208, 403, and 507 of Act No. 220 of the Public Acts of 1976, being SS37.2210, 37.2507, 37.1208, 37.1403, and 37.1507 of the Michigan Compiled Laws, may submit the plan by filing it at any office of the department and requesting approval.

(2) The commission may direct the department to obtain such information as it deems necessary to approve or disapprove a plan. The person requesting approval shall make available all records or information requested, and such information shall be deemed confidential. Information required shall include, but shall not be limited to, all of the following:

(a) Verification that the person requesting approval is not subject to any federal or state court order covering any of the practices involved in the plan.

(b) A statement of all court or agency enforcement actions presently pending.

(c) A statement of any voluntary plans previously filed with other state or federal agencies.

(d) A statement of the purpose of the plan.

(3) The commission may, prior to approving or disapproving any plan, indicate to the person requesting approval areas needing improvement in the plan, and the commission may disapprove or refuse further consideration of any plan unless such improvements are made.

History: 1979 AC.

R 37.28 Method for calculation of days.

Rule 28. (1) All time is measured in days unless another rule specifically provides a different method.

(2) When counting the number of days, Saturdays, Sundays, and state holidays must be included, subject to subrule (4) of this rule.

(3) "Day 1," the first day for counting, is the day after the event.

(4) When counting the number of days, the last day of the counting period is included, unless it is a Saturday, Sunday, state holiday, or other day when state offices are closed, in which cases the last day becomes the next day state offices are open for business.

History: 2023 MR 10, Eff. May 16, 2023.

R 37.29 Mail and electronic service.

Rule 29. (1) Mailing a copy under these rules means enclosing it in a sealed envelope with first class postage fully prepaid, addressed to the person to be served, and depositing the envelope and its contents in the United States mail. Service by mail is

complete upon mailing. Electronic service must be by email. When filing documents by email, all of the following apply:

(a) All documents must be in PDF format.

(b) The email subject line must include the case name, department case number, and title of each document being sent.

(c) An email sent at or before 11:59 p.m. is considered served on that day. If the email is sent on a Saturday, Sunday, or legal holiday, it is deemed to be served on the next business day.

(2) Both mailing and electronic service require proof of service. Proof of service must be by written acknowledgment of service, or a written statement by the individual who served the documents.

(3) Proof of service may be satisfied in documents filed through mail or email, or both, with the following written statement:

PROOF OF SERVICE

I, [name], certify, under penalty of perjury, that on [date], I caused a copy of the above document to be served by [mail/email] on [other party name].

/s/ [electronic signature]

[name]

History: 2023 MR 10, Eff. May 16, 2023.

R 37.30 Signature.

Rule 30. (1) The claimant's signature on a certified complaint form means all of the following apply:

(a) Claimant has read the document.

(b) To the best of claimant's knowledge, information, and belief the allegations are grounded in fact.

(c) The certified complaint is made in good faith and not made for any improper purpose, including to harass or to cause unnecessary expense.

(2) Retention of a signature electronically affixed to a document that will be retained in electronic format must not depend on the mechanism that was used to affix that signature.

History: 2023 MR 10, Eff. May 16, 2023.

R 37.31 Manner of hearings.

Rule 31. (1) Hearings scheduled in accordance with R. 37.7 and R. 37.12 may be held in person or remotely, or both, at the discretion of the commission and in a manner as determined by the commission.

(2) If a remote hearing is initially scheduled for a hearing pursuant to R 37.7, the claimant must be provided an opportunity to request an in-person hearing. A request for an in-person hearing must be made in writing to the commission within 7 days of the hearing notice.

(3) If a remote hearing is initially scheduled for a hearing pursuant to R 37.12, a party may request an in-person hearing within 7 days of the hearing notice.

(4) Requests for in-person hearings are considered on a case-by-case basis and granted only if both of the following requirements are met:

(a) A reasonable, good cause showing of accessibility limitations, specific evidentiary issues, or other unique circumstance.

(b) An agreement to comply with specific requirements for in-person hearings.

History: 2023 MR 10, Eff. May 16, 2023.