**Section 1105.100 Setting of Contested Case Hearing**

a) Where the Executive Director has issued a complaint on an unfair labor practice charge pursuant to Section 15 of the Act and 80 Ill. Adm. Code 1120.30 or a finding of probable cause with respect to an election objection pursuant to Section 8 of the Act and 80 Ill. Adm. Code 1110.150, a hearing shall be scheduled. Unfair labor practice charges and election objections having a common nucleus of operative facts shall be consolidated for purposes of hearing.

b) Complaints will issue or probable cause will be found when the investigation has disclosed adequate credible statements, facts, or documents which, if substantiated, and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act. Issuance of a complaint or finding of probable cause that objectionable conduct occurred by the Executive Director is not a decision that an unfair labor practice or objectionable conduct has in fact occurred.

c) When such a hearing is necessary, the Executive Director shall appoint an Administrative Law Judge. When the Executive Director issues a Complaint and Notice of Hearing, the parties shall be given at least seven days' notice of the hearing. That notice and the complaint or finding of probable cause shall include:

1) The name of the Administrative Law Judge;

2) The location, date and time of the hearing;

3) A statement of the legal authority and jurisdiction under which the hearing is to be held;

4) A reference to the particular Section of the Act and the rules of the Board involved; and

5) A brief statement of the nature of the matters at issue.

d) Motions shall be directed to the Administrative Law Judge or, in the event that an Administrative Law Judge has not been named, to the General Counsel. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Administrative Law Judge or General Counsel. Motions that would preclude a hearing, such as a motion to dismiss or to refer the matter to arbitration, shall be filed with the Answer. However, such a motion may be filed at any time with the permission of the Administrative Law Judge or the General Counsel.

e) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.

2) Other parties shall have seven days to file a response and serve that response on all other parties simultaneously with the filing.

3) The parties must seek leave of the Administrative Law Judge to file any additional briefs. The Administrative Law Judge will allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.

f) Requests for continuances must be made in writing, but need not be submitted as formal motions. Requests for continuances will be granted only for good cause shown, such as the unavoidable absence of a person essential to the hearing, and only when the continuance will not unduly delay the hearing. The party requesting the continuance shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the party has discussed the request with all other parties and whether any other party opposes the request. Multiple requests for continuances will be viewed more strictly.

g) The Executive Director may amend the complaint prior to the hearing upon motion of a party or on the Executive Director's own motion. Grounds for amendment will include newly discovered evidence, inadvertent exclusions and new allegations. The parties shall receive reasonable notice of the amendment, and the Respondent shall have 15 days after the service of the amended complaint, unless waived by the Respondent, within which to file an answer to the amended complaint.

(Source: Amended at 41 Ill. Reg. 10574, effective August 1, 2017)