**Section 1110.100 Processing of Petitions** **Seeking an Election**

a) All parties served with a representation petition seeking an election or a decertification petition shall respond to the petition within seven days after service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.

b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that *there is no reasonable cause to suspect that a question of representation exists,* as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that, the dismissal may be appealed within 14 days to the Board. If the investigation discloses that *there is reasonable cause to suspect that a question of representation exists,* as defined in Section 7(c)(1) or (2) of the Act, the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of seven days notice of the hearing. However, if the only issues remaining between the parties are logistical, e.g., the date of the election, the Executive Director or hearing officer may issue an order directing an election, unless the parties are able to enter into a consent agreement resolving those issues, as provided for in Section 1110.110.

c) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. Any intervenor who files after the date set for hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j), shall have waived objections to the bargaining unit.

d) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his or her decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.

e) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his or her own motion within seven days after the close of the record. If the hearing officer orders a case removed, he or she shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision. Unless the Board remands the case, it shall issue and serve upon all parties a written decision giving the Board's reasons for its decision.

g) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. The additional time shall not exceed 90 days. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.

h) Exceptions and Responses

1) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Those exceptions and briefs shall be filed with the General Counsel. Copies of all exceptions and briefs shall be served upon all other parties, and a certificate of service shall be attached.

2) Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the General Counsel. The response shall be served on all parties, and a certificate of service shall be attached. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

3) A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be filed with the General Counsel. The response shall be served on all parties, and a certificate of service shall be attached.

4) Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. The response shall be filed with the General Counsel. The response shall be served upon all parties, and a certificate of service shall be attached. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

i) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. The Board will issue and serve upon all parties a written decision, giving the reasons for its decision. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted. An election shall not be held on a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.

j) Within seven days following the direction of an election, the employer shall furnish all other parties and the Executive Director with a list of the names and addresses of the employees eligible to vote in the election.

(Source: Amended at 41 Ill. Reg. 10587, effective August 1, 2017)