**Section 1120.30 Charge Processing and Investigation, Complaints and Responses**

a) The Board hereby delegates to its Executive Director the authority to investigate charges and issue complaints.

b) Upon receipt of a charge, the Executive Director shall investigate the charge. Procedures for investigating requests for injunctive relief are set forth in Section 1120.60.

1) The charging party shall submit to the Executive Director all evidence relevant to or in support of the charge. The evidence may include documents and affidavits.

2) The respondent shall submit to the Executive Director a complete account of the facts, a statement of its position in respect to the allegations set forth in the charge and all relevant evidence in support of its position. The evidence may include documents and affidavits.

3) The Executive Director may hold an investigatory conference with the parties when the Executive Director determines that the investigatory conference will facilitate efforts to explore whether the charge can be resolved informally or the facts stipulated and to further develop the record for determination of whether the charge states an issue of law or fact.

4) Motions shall be directed to the Executive Director. All motions must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all other parties simultaneously with their filing with the Executive Director. Other parties shall have seven days to file a response and serve that response on all other parties simultaneously with the filing with the Executive Director.

5) If the Executive Director concludes that the investigation has established that there is *an issue of law or fact* sufficient to warrant a hearing, he or she shall issue a complaint (Section 15 of the Act). In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. The complaint shall specify the charges and shall be served on the respondent and the charging party.

6) If the Executive Director concludes that the investigation has established that there is not an issue of law or fact sufficient to warrant a hearing, the Executive Director shall dismiss the charge. In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. Notice of dismissal shall be served on the respondent and the charging party.

c) The charging party may file exceptions to the Executive Director's dismissal of the charge and briefs in support of those exceptions. Exceptions must be filed with the Board no later than 14 days after service of the notice of dismissal. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. 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 Board and served on all parties. The Board may review the Executive Director's decision on its own motion. In reviewing the exceptions, the Board will consider whether the Executive Director's decision is consistent with the Act and this Part and whether there has been an abuse of discretion.

d) Whenever an unfair labor practice complaint is issued, the respondent must file an answer within 15 days after service of the complaint.

1) The answer shall include a specific admission, denial or explanation of each allegation of the complaint or, if the respondent is without knowledge of the allegation, it shall so state and that statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation, but shall fairly meet the allegation.

2) The answer shall also include a specific, detailed statement of any affirmative defenses, including, but not limited to, res judicata, mootness or waiver. An affirmative defense is not waived if it is not included in the answer.

3) Failure to file a timely answer shall be deemed an admission of all allegations in the complaint. Failure to respond to any particular allegation of the complaint shall be deemed to be an admission of that particular allegation. Filing of a motion will not stay the time for filing an answer.

4) When a party has failed to file a timely answer, the Administrative Law Judge shall issue an order to show cause why allegations of the complaint should not be deemed admitted. Leave to file a late answer may be granted by the Administrative Law Judge in the absence of prejudice to the other parties if substantial justice is being done between the parties and if it is reasonable, under the circumstances, to compel the other parties to go to hearing on the merits. If leave to file a late answer is granted, the answer shall be deemed timely.

(Source: Amended at 41 Ill. Reg. 10614, effective August 1, 2017)