**Section 1200.40 Authority of Administrative Law Judges**

a) The Administrative Law Judge (ALJ) shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. The ALJ shall have all powers necessary to achieve these ends, including, but not limited to, the discretionary authority to:

1) Require the parties to participate in a pre-hearing conference and/or mediation before proceeding with a hearing;

2) Require all parties to submit pre-hearing information, including, but not limited to:

A) a detailed written statement of the issue to be resolved at hearing and its position;

B) a list of witnesses each party intends to call, the nature of their testimony, the estimated time for each witness' testimony, and the estimated time for the party's case in chief;

C) a list of exhibits to be offered by each party in its case in chief and a copy of each exhibit; and

D) all other information the ALJ requests;

3) Regulate the proceedings of the case, and the conduct of the parties and their counsel;

4) Administer oaths and affirmations;

5) Receive relevant testimony and evidence;

6) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;

7) Examine witnesses and direct witnesses to testify; however, this provision does not lessen any party's burden of proof;

8) Issue subpoenas and rule upon motions to revoke subpoenas;

9) Take administrative notice of generally recognized facts of which Illinois courts may take judicial notice and of other facts within the specialized knowledge and experience of the Board;

10) Rule on objections, motions and questions of procedure;

11) Authorize the submission of briefs and set the time for their filing;

12) Hear closing argument;

13) Order a hearing reopened prior to the issuance of the ALJ's recommended decision and order;

14) Render and serve the recommended decision and order on the parties to the proceeding;

15) Carry out the duties of ALJ as provided or otherwise authorized by the Act, this Part, or 80 Ill. Adm. Code 1210, 1220 or 1230.

b) At the discretion of the ALJ, any hearing required under 80 Ill. Adm. Code 1210 and 1220 may be conducted either in person or by video teleconferencing.

1) Representation hearings *shall be held at the offices of the Board or such other location as the Board deems appropriate.* [5 ILCS 315/9(a)]

2) Unfair labor practice hearings shall be held *at the offices of the Board or such other location as the Board deems appropriate.* [5 ILCS 315/11(a)]

3) When a hearing is conducted using video teleconferencing, the parties and the ALJ need not be physically present at the same location.

4) In deciding whether a hearing should be conducted by video teleconferencing, the ALJ shall consider factors such as cost-effectiveness, efficiency, facility accommodations, witness availability, public interest, the parties' preferences, and the proceeding's complexity and contentiousness.

5) When a hearing is conducted using video teleconferencing, appropriate safeguards must be employed to ensure that the ALJ has the ability to assess the witness' credibility and that the parties have a meaningful opportunity to examine and cross-examine the witness. These safeguards must ensure that:

A) the representatives of the parties have the opportunity to be present at the remote location;

B) the ALJ, participants, and reporter are able to hear the testimony and observe the witness;

C) the camera view is adjustable to provide a close-up view of counsel and the witness and a panoramic view of the room;

D) exhibits used in the witness' examination are exchanged in advance of the examination; and

E) video technology assistance is available to address technical difficulties that arise during the examination.

6) The ALJ may also impose additional safeguards to effectuate the use of video teleconferencing.

7) The official record of the videoconference testimony will be the official transcript prepared by the reporter designated to transcribe the testimony.

(Source: Amended at 45 Ill. Reg. 1865, effective February 1, 2021)