**Section 1200.135 Appeals Procedures, Board Review and Court Review**

a) Executive Director's Orders

1) Parties may appeal to the Board orders of the Executive Director, except orders setting matters for hearing. Notice of appeal and all supporting materials shall be filed with the Board's General Counsel, in the Board's Chicago office, no later than 10 days after service of the Executive Director's order. The appeal shall be served on all other parties in accordance with Section 1200.20.

2) A party may file a response to the appeal and all materials in support of the response no later than 5 days after service of the appeal. The response shall be served on all other parties in accordance with Section 1200.20.

3) The Board will review an Executive Director's order only upon the timely filing of an appeal. The Board may adopt all, part or none of the order depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order.

b) Administrative Law Judge's Recommended Decision and Order

1) Proceedings

A) In representation proceedings, parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, no later than 14 days after service of the recommended decision and order. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's decision. Within 5 days from the filing of the cross-exceptions, parties may file cross-responses to the cross-exceptions. Cross-responses shall be limited to the questions raised in the cross-exceptions. All exceptions, responses, cross-exceptions and cross-responses shall be filed in accordance with Section 1200.135. Each party shall serve its exceptions, cross-exceptions, responses, cross-responses, and briefs on the other parties. If the original exceptions are withdrawn, then all subsequent exceptions are moot.

B) In unfair labor practice proceedings, parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, no later than 30 days after service of the recommended decision and order. Parties may file responses to exceptions and briefs in support of the responses no later than 15 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's decision. Within 7 days from the filing of such cross-exceptions, parties may file cross-responses to the cross-exceptions. Cross-responses shall be limited to the questions raised in the cross-exceptions. All exceptions, responses, cross-exceptions and cross-responses shall be filed in accordance with Section 1200.135. Each party shall serve its exceptions, cross-exceptions, responses, cross-responses, and briefs on the other parties.

C) In either type of proceeding, exceptions, responses, cross-exceptions, cross-responses and briefs, shall be filed with the Board's General Counsel in the Board's Chicago office. A party not filing timely exceptions waives its right to object to the Administrative Law Judge's recommended decision and order.

2) Exceptions and/or cross-exceptions shall specifically set forth the questions of procedure, fact, law or policy to which exception is taken, shall identify that part of the Administrative Law Judge's recommended decision and order to which objection is made, and shall state the grounds for the exceptions and shall include the citation of authorities and citations to the record unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation that is not specifically urged shall be deemed to have been waived. Any exception that fails to comply with the foregoing requirements may be disregarded.

3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain:

A) a clear and concise statement of the case containing all that is material to the consideration of the questions presented;

B) a specification of the questions involved and the issues to be argued; and

C) an argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

4) The Board will review the Administrative Law Judge's recommended decision and order upon timely filing of exceptions or at any time on its own motion. The Board may adopt all, part or none of the recommended decision and order depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order.

A) In representation proceedings, if the Board determines that a question concerning representation exists, the Board shall direct the holding of an election on a date and at a time and place set by the Board. The Board shall direct the posting of a Notice of Election. Within 7 days following the Board's direction of an election, the employer shall furnish the Board and the labor organization with a list of the full names, alphabetized by last name, and addresses of the employees eligible to vote in the election. The list shall be provided by personal delivery or certified mail. The employer shall obtain receipts verifying delivery.

B) In unfair labor practice proceedings, the Board will retain jurisdiction over the case to ensure the parties' compliance with the Board order. Unless overturned by the Board, the parties must comply with the recommended decision and order.

5) If no exceptions to the Administrative Law Judge's recommended decision and order have been filed within the prescribed time period, the parties will be deemed to have waived their exceptions. Unless the Board reviews the recommended decision and order upon its own motion, it will not be legal precedent and shall be final and binding only on the parties to that proceeding. The Board's General Counsel shall issue an order so providing.

c) Requests for Oral Argument

Parties desiring oral argument before the Board shall request oral argument and state the reasons for the requests in their appeals, exceptions and responses. The Board shall grant or deny requests for oral argument depending upon the significance, complexity and novelty of the issues. In addition, the Board may, on its own motion, request oral argument, depending upon the significance, complexity and novelty of the issues.

d) Court Review of Board Orders

Appeals to a Board's decision shall be made in accordance with Sections 9(i) and 11(e) of the Act.

(Source: Amended at 40 Ill. Reg. 10892, effective August 1, 2016)