**Section 1220.65 Deferral to Arbitration**

a) The Board may, on its own motion or the motion of a party, defer the resolution of an unfair labor practice charge to the grievance arbitration procedure contained in a collective bargaining agreement.

b) A party may file a motion to defer the resolution of an unfair labor practice charge:

1) at any time during the investigation prior to the issuance of a complaint for hearing, dismissal, or deferral order. The motion shall be made in writing to the Board agent investigating the unfair labor practice charge and shall be served in accordance with 80 Ill. Adm. Code 1200.20; and

2) within 25 days after the issuance of a complaint for hearing. The motion shall be made in writing to the Administrative Law Judge assigned to the case and shall be served in accordance with 80 Ill. Adm. Code 1200.20.

c) Responses and any other answering documents, including memoranda and affidavits, must be filed within 5 days after service of the motion, or as otherwise required by the Administrative Law Judge or the Board. Responses must be served in accordance with 80 Ill. Adm. Code 1200.20.

d) If the motion to defer the resolution of an unfair labor practice charge is made during the investigation, the Executive Director will rule on the motion by issuance of an order or a complaint for hearing. Parties may appeal the Executive Director's orders in accordance with 80 Ill. Adm. Code 1200.135(a). Complaints for hearing are not appealable. If the motion to defer the resolution of an unfair labor practice charge is made after the issuance of a complaint for hearing, the Administrative Law Judge shall rule on the motion in accordance with 80 Ill. Adm. Code 1200.45.

(Source: Amended at 46 Ill. Reg. 15593, effective September 1, 2022)