**Section 1300.60 Processing and Investigation**

a) Initial Processing

1) Upon filing of the designation with the Board, the Board or its agent will verify that the designation includes all information required by Section 6.1(b) of the Act, as provided in Section 1300.50, and will verify that the designated position was not certified in a bargaining unit before December 2, 2008.

2) After verification, the Board will provide a notice to the Governor or the Governor's agent to be posted at the workplace of the position that has been designated. Each affected employee's employing agency shall post the notice within 2 days after receipt of the notice by the Governor or the Governor's agent. The notice shall remain posted for 10 consecutive days. The employing agency or its agent shall certify, on a form provided by the Board, that the posting has been completed and shall return this form to the Board.

3) In cases in which a position is represented or subject to a pending petition for representation, the collective bargaining representative or incumbent employee shall have 10 days from the date of service of the designation to object to the designation. In cases in which the position is not represented or subject to a pending petition for representation, the incumbent employee shall have 10 days from the date of service of the designation to object to the designation. Objections must be made in writing and received in the Board's Springfield or Chicago office within the 10-day period. An objecting party may submit objections via U.S. Mail, hand delivery or e-mail to the Board at ILRB.Filing@illinois.gov. If an objecting party chooses to submit objections via e-mail, the party must also submit those objections in hard copy via U.S. Mail postmarked on the date that the objections were submitted via e-mail or by hand delivery to the Board's Springfield or Chicago office within the 10-day period. If an objecting party chooses to submit objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format (.doc or .docx) or in Portable Document Format (PDF) (.pdf). Objections shall set forth the party's position with respect to the matters asserted in the designation regarding the job duties and functions of the position that is the subject of a designation, shall specifically state the basis for the objection, and shall include supporting documentation. The objections shall be simultaneously served on other parties as follows:

A) In cases in which an employee subject to the designation is not represented by a collective bargaining representative, an employee filing an objection under this Section shall serve a copy of the objection and copies of any supporting documentation upon the employer. If an objecting party chooses to serve objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format or PDF.

B) In cases in which an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing an objection under this Section shall serve the objection and any supporting documentation upon the employer at its address indicated on the designation form and upon the collective bargaining representative at its address indicated on the designation form. A collective bargaining representative filing an objection under this Section shall serve the objection and any supporting documentation upon the employer at its address as indicated on the designation form and upon each employee whose position is the subject of the objection at his or her work address. In all cases, if an objecting party chooses to serve objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format or PDF.

b) The Board may consolidate two or more gubernatorial designations or may sever gubernatorial designations that are filed together if the Board determines that the consolidation or severance would result in the efficient and expeditious resolution of designations.

c) If no objection to a designation is filed within the time allowed and the designation appears otherwise proper, the designation shall be forwarded to the Executive Director for certification as a designated excluded position.

d) Assignment to Administrative Law Judge

1) If objections to a designation are filed within the time allowed, the designation and objections shall be assigned to an ALJ.

2) The assigned ALJ will review the designation, any objections, and the documentation in support of such objections.

A) The ALJ may make a factual finding that the designation is proper based solely on the information submitted to the Board in cases in which the objections submitted fail to overcome the presumption that the designation is proper under Section 6.1 of the Act. In those cases, the ALJ will issue a recommended decision and order to the Board that such designation be certified.

B) If the ALJ finds that the objections submitted raise an issue of law or fact that might overcome the presumption that the designation is proper under Section 6.1 of the Act, the ALJ will order a hearing to be held to determine whether the designation is proper. After the hearing, the ALJ shall issue a recommended decision and order to the Board regarding the designation.