

*****Please note that the Board location information in Section 1240.20 is inaccurate as to the Springfield office. The Rules are in the process of being updated to reflect the Board's correct address; however, any pleadings or correspondence directed to the Springfield office should be addressed to:**

**Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield, IL 62702
Phone: (217)785-3155
Fax: (217) 785-4146
Website: www.illinois.gov/ilrb**

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARD

PART 1240
POLICE OFFICER DECERTIFICATION PROCEEDINGS

Section	
1240.10	General Statement of Purpose
1240.20	Board Information and Business Hours
1240.30	Definitions
1240.40	Board's Jurisdiction
1240.50	Filing and Service
1240.60	Investigation
1240.70	Hearing
1240.80	Authority of Administrative Law Judges
1240.90	Computation and Extensions of Time
1240.100	Motions
1240.110	Subpoenas
1240.120	Officer Indemnification
1240.130	Representation of Parties
1240.140	Board Review of the Administrative Law Judge's Recommended Decision
1240.150	Appellate Review
1240.160	Conflicts of Interest
1240.170	Ex Parte Communications
1240.180	Amicus Curiae Briefs
1240.190	Variations and Suspensions of Rules

AUTHORITY: Implementing Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1] and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 7531, effective May 12, 2004, for a maximum of 150 days; adopted at 28 Ill. Reg. 15158, effective November 1, 2004.

Section 1240.10 General Statement of Purpose

The regulations contained in this Part detail the procedures for obtaining an Illinois Labor Relations Board hearing to determine decertification of a police officer based upon that officer's commission of perjury in a murder case pursuant to Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. The Illinois Labor Relations Board does not recognize or effectuate any other type of police officer decertification. The provisions of this Part shall not apply to any charges or petitions filed with the Illinois Labor Relations Board pursuant to the Illinois Public Labor Relations Act [5 ILCS 315].

Section 1240.20 Board Information and Business Hours

The State Panel of the Illinois Labor Relations Board can be contacted at:

Springfield Office:
320 West Washington Street, Suite 500
Springfield, Illinois 62701
(217) 785-3155
Facsimile: (217)785-4146
Website: www.state.il.us/ilrb

Chicago Office:
160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601
(312) 793-6400
Facsimile: (312) 793-6989
Website: www.state.il.us/ilrb

The official business hours of the Illinois Labor Relations Board are 8:30 a.m. to 5:00 p.m., Monday through Friday.

Section 1240.30 Definitions

Some of the terms used in this Part have the definition ascribed in Section 6.1 of the Illinois Police Training Act. Other definitions of terms used in this Part follow.

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Administrative Law Judge" means an employee of the Illinois Labor Relations Board who is an attorney licensed to practice in Illinois.

"Board" means the Illinois Labor Relations Board State Panel, individually as applicable, or an agent designated by the Illinois Labor Relations Board State Panel.

"Board agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in this Part.

"Complainant" means the individual who has filed a verified complaint or petition for hearing pursuant to Sec 6.1 of the Act [50 ILCS 705/6.1].

"Interested party" means *the defendant or any police officer who has personal knowledge that the police officer who is the subject of a complaint has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.* [50 ILCS 705/6.1(q)]

"LETSB" means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act [50 ILCS 705].

"Perjury" is, while under oath, knowingly and willfully making false statements as to a material fact going to an element of the offense of murder.

"Petition for hearing" means a document filed with the Board by a defendant or police officer with personal knowledge of perjured testimony in a murder prosecution where there has been a finding of guilt.

"Police officer" or "officer" means any individual who has been certified pursuant to the Act.

"Respondent" means the officer named in a verified complaint or petition for hearing filed pursuant to Section 6.1 of the Act.

"Verified complaint" or "complaint" means the document filed with the Illinois Law Enforcement Training Standards Board by a defendant or police officer with personal knowledge of perjured testimony in a murder prosecution where there has been an acquittal.

Section 1240.40 Board's Jurisdiction

The Board shall undertake the process of determining whether a police officer has committed perjury only under the following circumstances:

- a) Where there has been an acquittal on a charge of murder and the defendant, or a police officer with personal knowledge of perjury, files a verified complaint with the Illinois Law Enforcement Training Standards Board (LETSB) and LETSB has investigated the case and submitted a report to the Board's Executive Director; or
- b) Where there has been a finding of guilt on the offense of murder and a new trial has been granted on direct appeal or a State post-conviction evidentiary hearing has been ordered based on the claim that a police officer committed perjury and an interested party has filed a timely petition for hearing with the Board.

Section 1240.50 Filing and Service

- a) General Procedures
 - 1) All initial documents relating to the decertification of police officers, except those filed pursuant to subsection (b), must be filed in the Board's Springfield office (see Section 1240.20). All subsequent documents shall be filed in the Board's Chicago office, as directed by the Board. Two copies of each document shall be filed.

- 2) Documents may be filed by any of the following methods:
 - A) By actual delivery of documents to the Board;
 - B) By first class, registered or certified United States mail or by commercial parcel delivery company; or
 - C) By fax, subject to the following limitations:
 - i) Parties shall transmit one copy of the documents, accompanied by a cover sheet or form identifying the party filing the documents, the total number of pages in the fax transmission, and the name, address, telephone number and fax number of the person sending the fax;
 - ii) The original documents filed by fax shall be mailed or delivered to the appropriate Board office on the same day the fax is transmitted, together with a fax confirmation receipt;
 - iii) The appropriate case number shall be indicated on the front page of each document filed by fax, unless the document is being filed to initiate proceedings before the Board; and
 - iv) If receipt of a fax transmission commences after the close of the Board's business hours, the documents will be deemed filed on the next business day.
- 3) All petitions for hearing, amendments to verified complaints and amendments to petitions for hearing shall be served on the appropriate parties by the Board by certified mail. All other documents shall be served by the party filing the document on all other parties to the proceeding. The document shall not be considered properly served unless accompanied by proof of service. Proof of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.
- 4) When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party.
- 5) A document shall be considered filed with the Board on the date that it is postmarked, tendered to a delivery service or received by personal delivery in the appropriate Board office before the close of the Board's business hours. Service made by fax shall be regarded as completed upon production by the fax machine of confirmation of transmission, together with the same-day mailing of a copy of the papers, postage pre-paid and properly addressed, to the person being served.

b) Cases Arising Upon Acquittal

- 1) In the case of an acquittal on a charge of murder, the defendant in the criminal case or a police officer with personal knowledge of perjured testimony may file a verified complaint with the Executive Director of LETSB, pursuant to 20 Ill. Adm. Code 1720.120.

- 2) The Illinois Labor Relations Board will not accept the filing of the verified complaint at its offices.
- c) Cases Arising Upon a Finding of Guilt
- 1) In the case of a finding of guilt on the offense of murder, the Board will hold a hearing where either a new trial was granted on direct appeal or a State post-conviction evidentiary hearing has been ordered *based on a claim that a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.* [50 ILCS 705/6.1(k)]
 - 2) An interested party must file a petition for hearing with the Board within 2 years after the court's decision in order for the petition to be considered timely filed.
 - 3) The petition for hearing must contain the following information:
 - A) names and, to the extent known, addresses of individuals and representatives of the parties involved;
 - B) a summary of the procedural history of the underlying criminal case;
 - C) a description of the conduct alleged to be remediable by the Board within the meaning of Section 6.1 of the Act; and
 - D) a copy of the court order granting either a new trial or a State post-conviction evidentiary hearing.

Section 1240.60 Investigation

- a) Cases Arising Upon a Finding of Acquittal
- 1) LETSB will investigate the verified complaint pursuant to 20 Ill. Adm. Code 1720.120.
 - 2) Upon receipt of a report from LETSB, the Illinois Labor Relations Board's Executive Director shall, within 30 days, review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint.
 - A) If the Executive Director determines that a hearing should not be conducted, a written order dismissing the complaint will be issued. *This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.* [50 ILCS 705/6.1(j)]
 - B) If the Executive Director determines that there is sufficient evidence to warrant a hearing to determine, by clear and convincing evidence, whether a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, he or she will issue an order notifying the parties that a hearing in the matter has been granted. The Executive Director will assign the case to an

Administrative Law Judge within 30 days following that order. The Board will serve a copy of the verified complaint and a copy of the Executive Director's order on the Illinois Department of Professional Regulation within 30 days after issuance of the Executive Director's order.

- b) Cases Arising Upon a Finding of Guilt
 - 1) If a complainant seeks a Board-conducted hearing where either a new trial has been granted on direct appeal or a State post-conviction evidentiary hearing has been ordered based upon the claim that a police officer committed perjury, the Board's Executive Director will assign the case to an Administrative Law Judge within 30 days after filing of the petition for hearing. The Board will serve a copy of the petition for hearing on the Department of Professional Regulation within 30 days after filing of the petition for hearing.
 - 2) If a complainant seeks a Board-conducted hearing where the requirements set forth in Sections 1240.40(b) and 1240.50(c) have not been met, the Executive Director will issue an order dismissing the petition without prejudice.
 - 3) Appeal of Dismissal
 - A) Parties may appeal the dismissal to the Board by filing an appeal with the Board's General Counsel, in the Board's Chicago office, no later than 10 days after service of the Executive Director's dismissal. The appeal shall be served on all other parties by the party filing the appeal.
 - B) A party may file a response to the appeal and any 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 by the party filing the response.
 - C) The Board will review the dismissal only upon the timely filing of an appeal. Parties desiring oral argument before the Board shall request oral argument and state the reasons for the requests in their appeals or responses. The Board shall grant or deny requests for oral argument depending on 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. 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.

Section 1240.70 Hearing

An Administrative Law Judge (ALJ) employed by the Board shall conduct a hearing for the purpose of receiving into evidence relevant testimony and documents to support or disprove the allegations of perjury. The ALJ shall make a recommended decision to the Board as to whether the complainant proved by clear and convincing evidence that the respondent had, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

a) Process

- 1) The ALJ shall set dates for a hearing and serve notice of the hearing on all parties. A hearing shall be set not less than 14 days after service of the verified complaint or petition for hearing on the Illinois Department of Professional Regulation (DPR).
- 2) DPR shall proceed first and present its case in support of the verified complaint or petition for hearing. DPR shall have the burden of proving the allegations in the verified complaint or petition for hearing by clear and convincing evidence. After DPR has completed presenting its case, the Respondent may present evidence in support of his/her defense.
- 3) The ALJ shall inquire fully into all matters in dispute and shall obtain a full and complete record either by taking evidence or accepting parties' stipulations.
- 4) Upon request, a party is entitled to a reasonable period of time at the close of the hearing for oral argument, which shall be made part of the record. The ALJ may direct the filing of briefs when the filing is, in the opinion of the ALJ, warranted by the nature of the proceedings or the particular issues involved.
- 5) The ALJ shall issue a recommended decision. That recommended decision shall be served upon all parties to the proceeding and upon the Executive Director of LETSB.

b) Intermediate Rulings

Intermediate rulings of the ALJ shall not be subject to interlocutory appeal. Parties may raise objections to intermediate rulings in their exceptions to the ALJ's recommended decision.

c) Amendments to Complaints

The ALJ, on his or her own motion, or on the motion of a party, may allow amendments to the verified complaint or petition for hearing only if the amendments are related to the allegations that the respondent knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

d) Recording of Hearings

Whenever a hearing is held pursuant to the provisions of this Part, it shall be recorded by stenographic or other means that adequately preserves the record. The ALJ or the Board may order that the hearings be transcribed. Parties may order transcripts and shall bear the costs of any transcripts that they order.

e) Rules of Evidence

Considering the nature of the case and the representatives of the parties, the ALJ will, insofar as practicable, apply the rules of evidence applicable in Illinois courts. The ALJ may, upon proper objection, exclude evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in the form of testimony, exhibits or stipulations. Testimonial evidence shall be taken only on oath or affirmation.

- f) **Brief Requirements**
All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All of the pages in excess of the 50-page limit will be rejected. The ALJ may grant approval of briefs containing more than 50 pages only in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression or in cases involving a lengthy factual record).
- g) **Security**
The ALJ may, for safety and security reasons, convene the hearing at a location different from the Board's offices.

Section 1240.80 Authority of Administrative Law Judges

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:

- a) Require the parties to participate in a pre-hearing conference before proceeding with a hearing;
- b) Require all parties to submit pre-hearing information, including, but not limited to, a detailed written statement of the issue to be resolved at hearing and its position; 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; a list of exhibits to be offered by each party in its case in chief and a copy of each exhibit; and all other information the ALJ requests;
- c) Regulate the proceedings of the case and the conduct of the parties and their counsel;
- d) Administer oaths and affirmations;
- e) Receive relevant testimony and evidence;
- f) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;
- g) Examine witnesses and direct witnesses to testify; however, this provision does not lessen any party's burden of proof;
- h) Issue subpoenas and rule upon motions to revoke subpoenas;
- i) 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;
- j) Rule on objections, motions and questions of procedure;
- k) Authorize the submission of briefs and set the time for their filing;

- l) Hear closing argument;
- m) Order a hearing reopened prior to the issuance of the ALJ's recommended decision;
- n) Render and serve the recommended decision on the parties to the proceeding;
- o) Carry out the duties of ALJs as provided or otherwise authorized by this Part, 80 Ill. Adm. Code 1200, 1210, 1220 or 1230, or Section 6.1 of the Act.

Section 1240.90 Computation and Extensions of Time

- a) In computing any period of time prescribed by this Part, the designated period of time begins to run the day after the act, event, or default and ends on the last day of the period so computed. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.
- b) When a time period prescribed under this Part is less than 7 days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- c) Service of a document upon a party by mail shall be presumed complete 3 days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds for overcoming the presumption.
- d) Requests for postponements of hearings shall be filed in accordance with Section 1240.100. Requests for postponements of investigations or scheduled conferences, as well as requests for extensions for the filing of briefs, exceptions or responses must be made prior to the existing deadlines. Such requests will not be granted unless good and sufficient cause is shown and the following requirements are met:
 - 1) all requests must be in writing directed to the Administrative Law Judge, Executive Director or General Counsel responsible for the proceeding;
 - 2) the grounds for the request must be set forth in detail;
 - 3) the requesting party must specify alternative dates for scheduling the hearing or conference or for the due date of any documents;
 - 4) the position of all parties concerning both the postponement or extension requested and the proposed alternative dates must be ascertained in advance by the requesting party and set forth in the request;
 - 5) for the purposes of this Section, good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case;
 - 6) except for good cause shown, no request for postponement will be granted on any of the 3 days immediately preceding the date of a hearing, investigation or conference;

- 7) all continuances must be to a date and time certain; in no event shall an indefinite continuance be granted.

Section 1240.100 Motions

- a) In matters set for hearing, all motions must be filed with the assigned Administrative Law Judge (ALJ). Once the ALJ's recommended decision has issued, all motions should be filed with the General Counsel in the Board's Chicago office.
- b) Motions must be made in writing unless made during the hearing, at which time the motions may be made orally on the record. Motions must briefly state the grounds for the motion and any relief requested. Written motions must be served in accordance with Section 1240.50.
 - 1) Motions to extend time for the filing of documents must contain a statement that the moving party discussed the requested extension with the other parties. If no objections were raised, the moving party must certify that the other parties were consulted and authorized the moving party to represent that they have no objections. If objections were raised, the moving party must describe those objections and its response.
 - 2) At any time prior to the issuance of the recommended decision, a party may move to disqualify the ALJ on the grounds of bias or conflict of interest. The motion shall be in writing to the General Counsel, with a copy to the ALJ, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, will not be considered grounds for disqualification. The General Counsel may decline to disqualify the ALJ or may appoint another ALJ to hear the case.
- 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 ALJ or the Board. Responses must be served in accordance with Section 1240.50.
- d) Rulings on motions shall be made in writing and served on all parties to the proceeding. The ALJ may reserve ruling on any motion until the issuance of the recommended decision.
- e) Rulings on motions shall not be appealed to the Board, unless as otherwise provided by the Board.

Section 1240.110 Subpoenas

The Board, upon the request of an Administrative Law Judge (ALJ) or upon the written application of a party, shall have the power to issue subpoenas for witnesses and subpoenas for documents.

- a) Subpoenas for Witnesses
 - 1) A party's written application for subpoenas for witnesses must be directed to the ALJ, and must contain the following information:

- A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) the name of the person to be subpoenaed; and
 - D) the date, time and place of the appearance to be commanded.
- 2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas on the witnesses at least 5 days before the hearing date. The party requesting the subpoenas shall also be responsible for payment of the witness fees for attendance, subsistence and mileage at the time the subpoena is served. Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Court Act [705 ILCS 35/4.3]. The requesting party must tender all fees with the subpoena. A witness appearing at the request of the Board shall submit the subpoena with a voucher when claiming reimbursement.
 - 4) Board employees shall not be subpoenaed to testify regarding matters that occurred during their employment with the Board.
 - 5) Subpoenas shall remain in effect throughout the course of the proceedings.
- b) Subpoenas for Documents (Subpoena Duces Tecum)
- 1) A party's written application for subpoenas for documents must be directed to the ALJ and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) a detailed description of the books, papers, documents or other objects to be produced pursuant to the subpoena;
 - D) the name of the person to be served with the subpoena; and
 - E) the date, time and place of production to be commanded.
 - 2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing and 10 days before the date on which the documents are to be produced. The date and time for production of documents

may be prior to the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.

- 3) The party requesting the subpoenas shall be responsible for serving the subpoenas at least 5 days before the hearing date and 5 days before the date on which the documents are to be produced.
 - 4) Confidential Board documents as defined in 2 Ill. Adm. Code 2501.20(c) shall not be subpoenaed.
- c) **Motions to Revoke Subpoenas**
A person objecting to the subpoena may file a motion to revoke the subpoena. The motion must be filed at least 3 days prior to the hearing and shall be filed with the ALJ assigned to the case. Grounds for revocation shall include irrelevance, undue burden and privilege.

Section 1240.120 Officer Indemnification

An officer named in any verified complaint shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. *These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees and costs.* [50 ILCS 705/6.1(l)]

Section 1240.130 Representation of Parties

- a) A verified complaint or petition for hearing shall be prosecuted by an agent of the Illinois Department of Professional Regulation.
- b) The complainant or respondent may be represented by counsel or any other representative of his or her choosing.
- c) The representative of each party shall file a Notice of Appearance with the Board. Filing pleadings on behalf of a party shall be equivalent to filing a Notice of Appearance.

Section 1240.140 Board Review of the Administrative Law Judge's Recommended Decision

The State Panel of the Illinois Labor Relations Board shall review the Administrative Law Judge's (ALJ's) recommended decision and determine by a majority vote whether there was clear and convincing evidence that the respondent, while under oath, knowingly and willfully made false statements as to a material fact going to the offense of murder.

- a) Parties may file exceptions to the ALJ's recommended decision and briefs in support of those exceptions no later than 30 days after service of the recommended decision. Exceptions must be filed with the Board's General Counsel in the Board's Chicago office. Exceptions shall specifically set forth the questions of procedure, fact, law or policy to which exception is taken, shall identify that part of the ALJ's recommended decision to

which exception is made, and shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation that is not specifically raised shall be deemed to have been waived. Any exception that fails to comply with the foregoing requirements may be disregarded. If no exceptions to the ALJ's recommended decision are filed within the prescribed time period, the parties will be deemed to have waived their exceptions.

- b) Parties may file responses to the exceptions and briefs in support of those responses no later than 15 days after service of the exceptions. Responses shall be limited to the issues raised in the exceptions.
- c) Any brief in support of the exceptions or responses shall be confined to the subjects raised in the exceptions and shall contain:
 - 1) a clear and concise statement of the case containing all that is material to the consideration of the questions presented;
 - 2) a specification of the questions involved and the issues to be argued; and
 - 3) an argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.
- d) All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All of the pages in excess of the 50-page limit will be rejected. The General Counsel may grant approval of briefs containing more than 50 pages only in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression, or in cases involving a lengthy factual record).
- e) The Board will review the ALJ's recommended decision upon the timely filing of exceptions. The Board will make a finding to uphold, vacate or modify the recommended decision. The Board may adopt all, part or none of the recommended decision depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve its decision and order upon the parties and upon LETSB. If no exceptions to the ALJ's recommended decision are filed within the prescribed time period, the Board's General Counsel shall issue an order so providing and serve it upon the parties and upon LETSB.
- f) *None of the Illinois Labor Relations Board State Panel's findings or determinations shall set any precedent in any of its decisions decided pursuant to the Illinois Public Labor Relations Act by the Illinois Labor Relations Board or the courts. [50 ILCS 705/6.1(o)]*

Section 1240.150 Appellate Review

- a) A party aggrieved by a final order of the Illinois Labor Relations Board State Panel may obtain judicial review of that order in accordance with the provisions of the Administrative Review Law [735 ILCS 5/Art. III], except that such review shall be afforded directly in the Appellate Court for the district in which the accused officer resides. The appeal shall be filed within 35 days from the date that a copy of the Board's decision was served upon the party affected by the decision.

- b) If LETSB has revoked an accused officer's certification as the result of an adverse finding of the Board, the officer may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter.

Section 1240.160 Conflicts of Interest

No person who has been a Board member or an employee of the Board shall engage in practice before the Board in any respect in connection with any case or proceeding that was pending during the person's membership on or employment with the Board.

Section 1240.170 Ex Parte Communications

No party or other persons legally interested in the outcome of a hearing may communicate ex parte, either directly or indirectly, with an Administrative Law Judge or with any member of the Board regarding matters pending before the Board.

Section 1240.180 Amicus Curiae Briefs

Parties may file a motion with the Board to request leave to file an amicus curiae brief or the Board, on its own motion, may solicit such briefs. The Board's standards by which to grant leave to file an amicus curiae brief will include the importance of the issue presented, the general application of the issue presented and the need perceived by the Board for additional briefing on the issue presented. The amicus curiae brief shall conform to any conditions imposed by the Board for briefs in the case in which the brief is filed. Amicus curiae parties may be invited to participate in oral arguments heard by the Board. The Board will accept amicus curiae briefs in its proceedings. The filing of such briefs shall not serve to postpone or delay the proceedings.

Section 1240.190 Variances and Suspensions of Rules

The provisions of this Part may be waived by the Board when it finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.