**Section 1210.107 Hearings**

a) Representation hearings shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the Administrative Law Judge. Subject to the discretion of the Administrative Law Judge, the employer shall present its evidence first in representation hearings. Any party asserting a statutory exclusion shall have the burden of providing sufficient evidence in support of that exclusion.

b) If the petitioner fails to appear after proper service of Notice of Hearing, the Administrative Law Judge shall dismiss the petition. If any party other than the petitioner fails to appear, the Administrative Law Judge may proceed in its absence and issue a recommended decision and order.

c) Interested persons, other than labor organizations, who may be necessary to the proceedings, who wish to intervene in the hearing shall direct a request to the Administrative Law Judge. The request shall be in writing and shall state the grounds for intervention. The Administrative Law Judge shall have discretion to grant or deny the request for intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.

d) Pursuant to 80 Ill. Adm. Code 1200.40, the Administrative Law Judge may schedule a pre-hearing conference or request statements of position when it appears to the Administrative Law Judge that such would expedite the procedure.

e) Intermediate rulings of the Administrative Law Judge shall not be subject to interlocutory appeal, except for rulings issued in accordance with 80 Ill. Adm. Code 1220.65. Parties may raise objections to such intermediate rulings in their exceptions to the Administrative Law Judge's recommended decision.

f) The Administrative Law Judge shall inquire fully into all matters in dispute, and shall obtain a full and complete record. The Administrative Law Judge shall file and serve on the parties a recommended decision and order of the case as expeditiously as possible.

g) All exceptions, cross-exceptions, responses and cross-responses to the Administrative Law Judge's recommended decision and order shall be filed and served in accordance with 80 Ill. Adm. Code 1200.135.

(Source: Added at 27 Ill. Reg. 7393, effective May 1, 2003)