**Section 1120.70 Compliance Procedures**

a) The compliance procedures set forth in this Section shall commence once a respondent:

1) has failed to file exceptions to a Recommended Decision and Order of an Administrative Law Judge;

2) has failed to appeal a final order of the Board; or

3) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a respondent to take certain affirmative action or to refrain from engaging in any action.

b) If, upon the occurrence of any of the events designated in subsection (a), a party asserts that compliance has not occurred, a compliance investigation shall be conducted.

c) If the investigation discloses that there are no issues of law or material fact as to whether compliance has occurred, the Executive Director shall issue a Recommended Decision and Order determining whether compliance has occurred. If there is an issue of law or material fact as to whether compliance has occurred, a compliance hearing shall be conducted.

d) The compliance hearing shall be conducted by the Executive Director or his or her designee and shall be conducted in accordance with the Board's rulesfor hearing procedures in contested cases (80 Ill. Adm. Code 1105.90 through 1105.230). At the hearing, the parties to the matter shall be afforded the opportunity to present testimony, documents, affidavits and/or any other information, in addition to their positions, on the matter of respondent's compliance with the order. If backpay is at issue, the comlainant shall present a specification of the amount due, supported by evidence if necessary. The respondent shall have the burden of proving that the backpay claimant has failed to mitigate damages or is not entitled to backpay for any other reason. The subpoena power shall continue during compliance proceedings.

e) Within 30 days after the compliance hearing described in subsection (d), the Executive Director or his or her designee shall cause to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved. The 30-day period may be extended upon agreement of the parties.

f) Exceptions and Responses

1) Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached.

2) Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the Board and served on all parties.

3) A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached.

4) Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. The response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached.

5) If no exceptions have been filed within 14 days after service of the Executive Director's recommendation, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

g) The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

(Source: Amended at 41 Ill. Reg. 10614, effective August 1, 2017)