**Section 1125.80 Hearings**

a) Except as otherwise provided in this Section, hearings on fair share fee objections shall proceed in the same manner as hearings in both contested cases, as set forth in 80 Ill. Adm. Code 1105, Subpart B, and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1120.40.

b) The Executive Director shall appoint a fair share Administrative Law Judge to hold an evidentiary hearing and render a Recommended Decision and Order on the fair share fee objections.

c) The burden of proof shall be on the exclusive representative.

d) The hearing set forth in subsection (b) shall commence no later than 60 days from the last day for filing an objection pursuant to Section 1125.30(a). When objections involving two or more bargaining units are consolidated pursuant to Section 1125.60, the hearing shall commence no later than 60 days from the last day for filing an objection for any of the bargaining units. A Recommended Decision and Order shall be issued within 60 days after the close of the record, unless additional time (up to 30 days) is required due to the length of the record and/or the complexity of the issues involved. The close of the record does not occur until the Administrative Law Judge orders that it be closed, either at the hearing or after holding the record open for a period for purposes such as allowing a party to provide additional evidence or to attempt to settle objections. The Recommended Decision and Order or a summary of the Recommended Decision and Order shall be served on all parties to the proceeding. A party receiving a summary of the Recommended Decision and Order shall be entitled to receive a copy of the full Recommended Decision and Order on request.

e) Within 21 days after receipt of the Recommended Decision and Order, any party may file exceptions and briefs in support of those exceptions with the General Counsel. A party may also file cross-exceptions and a supporting brief within 14 days after receipt of another party's exceptions and supporting brief. If no exceptions have been filed within 21 days after service of the Recommended Decision and Order, 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.

f) If timely exceptions are filed, the Board shall issue and serve on all parties a copy or a summary of its decision and order. A party receiving a summary of the Board's decision and order shall be entitled to receive a copy of the full decision and order on request.

g) Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the objector's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board shall disburse the amount held in escrow to the employee and the exclusive representative in accordance with its determination in the case. Interest earned by disputed fees during the time they were held in escrow shall be apportioned pro rata between the employee and the exclusive representative.

h) When an objector to whom funds from the escrow account are due cannot be located within the period set forth in the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], the funds will be presumed abandoned and will be paid to the State Treasurer in accordance with the provisions of that Act.

i) When, in the case of a religious objection to fair share fees, the parties are unable to agree on a non-religious charitable organization to receive an amount equal to the employee's proportionate share even after receiving the Board's approved list of charitable organizations established pursuant to Section 11 of the Act, the Board will provide the parties with a panel of three charitable organizations taken from the list. If the parties still cannot agree on a charitable organization, the Board will select a charitable organization from the panel.

(Source: Amended at 41 Ill. Reg. 10628, effective August 1, 2017)