

TABLE OF CONTENTS

School Board—Teacher Negotiations

Article I

Description of Organization and Definitions

Creation and authority	10-153e- 1
Functions	10-153e- 2
Official address	10-153e- 3
Public information	10-153e- 4
Signature of documents.	10-153e- 5
Act; board; complainant; respondent; agent	10-153e- 6
Other terms	10-153e- 7
Time limitations.	10-153e- 8

Article II

Prohibited Practice Complaints

Complaint	10-153e- 9
Complaint; form and filing; certification of service	10-153e-10
Contents of complaint	10-153e-11
Withdrawal of complaint	10-153e-12
Reference of complaint to agent; investigation; more specific statement	10-153e-13
Report by agent to board	10-153e-14
Action by board upon agent’s report; notice of hearing.	10-153e-15
Acceleration of hearing.	10-153e-16
Amendment to complaint.	10-153e-17
Service and filing of answer	10-153e-18
Denial	10-153e-19
Defense and new matter	10-153e-20
Extension of time to answer; amendment	10-153e-21
Amendment of answer; following amendment of complaint	10-153e-22
Failure to file answer	10-153e-23
Pleading; construction	10-153e-24
Back pay proceedings.	10-153e-25

Article III

Miscellaneous Proceedings

Declaratory ruling; form of petition	10-153e-26
Declaratory ruling; procedure after filing	10-153e-27
Scope of bargaining determination.	10-153e-28
Petitions concerning adoption of regulations	10-153e-29
Settlement of cases	10-153e-30
Pre-trial hearings	10-153e-31

Article IV

**General Provisions Relating to Parties and Procedure
Applicable to All Proceedings**

Quorum of board	10-153e-32
---------------------------	------------

Nonjoinder and misjoinder of parties	10-153e-33
Parties; relief	10-153e-34
During pendency of hearing	10-153e-35
Motion made before or after hearing.	10-153e-36
Intervention; procedure; contents; filings and service	10-153e-37
Consolidation or severance.	10-153e-38
Witnesses; examination; depositions	10-153e-39
Record.	10-153e-40
Application for subpoenas	10-153e-41
Witness fees.	10-153e-42
Board shall conduct hearings.	10-153e-43
Hearings; powers and duties of the board	10-153e-44
Examination of witnesses; introduction of evidence.	10-153e-45
Hearings; evidence	10-153e-46
Hearings; stipulations	10-153e-47
Continuation of hearings	10-153e-48
Contemptuous conduct at hearings.	10-153e-49
Waiver of hearing; consent order	10-153e-50
Oral argument or briefs at the close of hearings	10-153e-51
Variance between pleading and proof	10-153e-52
Motions and objections at hearings	10-153e-53
Application for leave to reopen a hearing on grounds of newly discovered evidence.	10-153e-54
Findings of fact; conclusions of law; decision and order; exception	10-153e-55
Record of proceedings before the board	10-153e-56
Public record	10-153e-57
Practice before the board	10-153e-58

Article V

Service of Complaints, Orders and Other Processes

Method; proof; complaints; orders and other processes and papers of the board and agent	10-153e-59
Service by a party.	10-153e-60
Service upon attorney.	10-153e-61

Article VI

Construction, Amendments or Application of Regulations

Construction of regulations.	10-153e-62
Application of general regulations	10-153e-63

School Board—Teacher Negotiations

Article I

Description Organization and Definitions

Sec. 10-153e-1. Creation and authority

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the General Statutes and administers various labor relations statutes including the Act Concerning School Board-Teacher Negotiations, sections 10-153a to 10-153j of the General Statutes.

The three Board members are appointed by the governor with the advice and consent of the General Assembly. Pursuant to section 31-103, the Board appoints an agent and a general counsel for four year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the Board without undue delay.

(Effective May 7, 1980)

Sec. 10-153e-2. Functions

It is the function of the quasi-judicial Board to enforce the collective bargaining statutes by deciding prohibited practice cases. The board also promulgates regulations and exercises other powers necessary to the administration of the collective bargaining statutes under its jurisdiction.

The agent and assistant agents hold informal investigation and mediation conferences with parties to a complaint in an effort to resolve the labor relations dispute before a board hearing. If settlement is not possible the agent may recommend dismissal of a complaint or assign the matter for a hearing before the Board.

The general counsel is the legal advisor to the Board and staff and represents the Board in court appeals, enforcement proceedings and other judicial and administrative proceedings to which the Board is a party or is interested.

(Effective May 7, 1980)

Sec. 10-153e-3. Official address

All communications should be addressed to the State Board of Labor Relations, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

(Effective May 7, 1980)

Sec. 10-153e-4. Public information

The public may inspect the regulations, decisions and public records of the board at its offices in Wethersfield. There is no prescribed form for requests for information. Written requests should be submitted to the Board at its above stated official address.

(Effective May 7, 1980)

Sec. 10-153e-5. Signature of documents

The duly authorized and official documents of the Board of every description, and without exception, including but not limited to the Board decisions, orders, notices, subpoenas, and communications shall be signed in behalf of the Board by any Board member, the agent, the general counsel, or any staff member empowered to sign in the Board's behalf. Such a signature shall be presumed to be duly authorized by the Board unless and until the contrary is demonstrated in any board proceeding or hearing.

(Effective May 7, 1980)

Sec. 10-153e-6. Act; board; complainant; respondent; agent

The term “Act” as used herein means the Act Concerning School Board-Teacher Negotiations, section 10-153 (e) of the general statutes, as amended, and the term “Board” means the Connecticut State Board of Labor Relations. In proceedings under this section, the party charging a prohibited practice shall be called the “Complainant”; and the party alleged to have committed such prohibited practice shall be called the “Respondent.” The term “Agent” herein shall mean the Agent of the Board and shall include the Assistant Agents.

(Effective May 7, 1980)

Sec. 10-153e-7. Other terms

The terms defined in section 10-153 (b) (a) of the general statutes shall have the same meanings in these regulations.

(Effective May 7, 1980)

Sec. 10-153e-8. Time limitations

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays and holidays shall be included in making the computation. Whenever the time so limited is less than seven (7) days, Saturdays, Sundays and holidays shall be excluded.

(Effective May 7, 1980)

Article II

Prohibited Practice Complaints

Sec. 10-153e-9. Complaint

A complaint that any person, employee representative organization or school board has engaged in or is engaging in any prohibited practice under the Act may be filed by a board of education or an employee representative organization either of which may hereafter be referred to as the person filing the complaint.

(Effective May 7, 1980)

Sec. 10-153e-10. Complaint; form and filing; certification of service

A complaint shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original and four (4) copies of the complaint shall be filed with the Board. The complaint shall include a certification also signed and sworn to before any person authorized to administer an oath, stating that a copy of the complaint has been served upon the Respondent by registered or certified mail or in person. Blank forms for making the complaint shall be supplied by the Board upon request.

(Effective May 7, 1980)

Sec. 10-153e-11. Contents of complaint

A complaint shall contain the following:

- (a) The full name and address of the person making the complaint;
- (b) The full name and address of the person against whom the complaint is filed;
- (c) A clear and concise description of the acts which are claimed to constitute prohibited practices, including, where known, the appropriate dates and places of such acts and names of Respondent’s agents or other representatives by whom committed. If, in any such case, the required specification is impossible, the reason

why it is impossible shall be stated, and other facts shall be included which are sufficient to describe the nature of the conduct complained of;

(d) An enumeration of the subdivision or subdivisions of the Act claimed to have been violated;

(e) A statement of the relief to which the Complainant deems himself entitled. Such claim for relief shall not limit the powers of the Board vested in it by the Act.
(Effective May 7, 1980)

Sec. 10-153e-12. Withdrawal of complaint

A complaint, or any part thereof, may be withdrawn only with the consent of the Board and upon such conditions as the Board may deem proper.
(Effective May 7, 1980)

Sec. 10-153e-13. Reference of complaint to agent; investigation; more specific statement

All complaints filed with the Board shall be automatically referred to the Agent, who shall investigate the same with due diligence. Provided however, that the Agent may return to the Complainant, without investigation, any complaint which does not comply with section 10-153e-11 of these regulations.
(Effective May 7, 1980)

Sec. 10-153e-14. Report by agent to board

Within 90 days of the date when a sufficient complaint was filed, the Agent shall report to the Board upon the complaint, recommending its dismissal or issuing a complaint of his own. If the Agent recommends dismissal, he shall do so in writing and shall forthwith serve a copy of his recommendation upon all parties in interest. If the Agent issues a complaint, he may use the original complaint filed by the Complainant in whole or in part. He may also draft new language to conform with the facts adduced by his investigation. If any such party files a written objection to the Agent's recommendation of dismissal within fourteen (14) days of its service upon him, the Board shall order a hearing to be held upon the complaint, in the manner provided in section 10-153e-15. Unless such objection is so filed, the Board will dismiss the complaint.
(Effective May 7, 1980)

Sec. 10-153e-15. Action by board upon agent's report; notice of hearing

The Board shall act promptly upon the Agent's report. If it orders a hearing, it shall cause to be issued and served upon each person complained of a copy of the complaint and a notice of hearing before the Board at the time and place therein fixed, to be held not less than seven (7) days after the service of such complaint. Notice of the hearing shall be given to the person filing the complaint or his representative.
(Effective May 7, 1980)

Sec. 10-153e-16. Acceleration of hearing

The parties to the proceedings may consent by stipulation to a hearing within less than seven (7) days after the service of the complaint.
(Effective May 7, 1980)

Sec. 10-153e-17. Amendment to complaint

Any complaint may be amended by any party or the Board at any time before final decision or order, upon such terms and conditions as the Board deems just and proper.

(Effective May 7, 1980)

Sec. 10-153e-18. Service and filing of answer

The Respondent against whom the complaint is issued shall have the right to file an answer thereto within five (5) days from the service of the complaint. Such answer shall be in writing, the original being signed by the Respondent or his, or its, attorney. The Respondent or his, or its, attorney, shall file the answer and four (4) copies thereof with the Board and serve copies of the answer on each party to the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-19. Denial

The Respondent shall admit or deny each of the allegations contained in the complaint unless the Respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, in which case the Respondent shall so state, such statement operating as a denial. The answer may contain a plain statement of any explanation or new matter which constitutes the grounds of defense.

(Effective May 7, 1980)

Sec. 10-153e-20. Defense and new matter

Any allegation of new matter contained in the answer is to be deemed denied or avoided without the necessity of a reply.

(Effective May 7, 1980)

Sec. 10-153e-21. Extension of time to answer; amendment

Upon the Board's own motion or upon application of the Respondent, the Board may extend the time within which the answer may be filed. The answer may be amended at any time with the permission of the Board, upon such terms and conditions as it deems just.

(Effective May 7, 1980)

Sec. 10-153e-22. Amendment of answer; following amendment of complaint

In any case where a complaint has been amended, the Respondent shall have an opportunity to amend his answer within such period as may be fixed by the Board.

(Effective May 7, 1980)

Sec. 10-153e-23. Failure to file answer

Notwithstanding any failure of the Respondent to file an answer within the time provided in section 10-153e-18, the Board may proceed to hold a hearing at the time and place specified in the notice of hearing, and may make its findings of fact and enter its order upon the testimony so taken. In any case where a respondent fails to answer and appear at the hearing the board may take the allegations in the complaint as admitted and may issue an appropriate order.

(Effective May 7, 1980)

Sec. 10-153e-24. Pleadings; construction

All Pleadings shall be liberally construed.

(Effective May 7, 1980)

Sec. 10-153e-25. Back pay proceedings

(a) After a Board order directing the payment of back pay has been issued or after enforcement of such order by the Superior Court, if informal efforts to dispose of the matter prove unsuccessful, the agent is then authorized in his discretion to issue a back pay specification in the name of the Board and a notice of hearing before the Board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized statement of its defense.

(b) In the alternative, and in his discretion, the agent under the circumstances specified above, may issue and send to the parties a notice of hearing only without a specification. Such notice shall contain in addition to the time and place of hearing before the Board, a brief statement of the matters in controversy.

(Effective May 7, 1980)

Article III**Miscellaneous Proceedings****Sec. 10-153e-26. Declaratory ruling; form of petition**

Whenever there is a substantial and immediate threat to rights protected by the Act Concerning School Board-Teacher Negotiations a person or organization may request a declaratory ruling by the Board with respect to the applicability to such person or organization of any statute, regulation, or order enforced, administered or promulgated by the Board in the following form:

(a) A petition stating the factual background of the issue must be in writing and sent to the board by mail or delivered in person during normal business hours.

(b) The petition shall be signed by a person or representative of an organization in whose behalf the inquiry is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(c) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to the Board for an order of notice.

(d) The petition shall state clearly and concisely the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question of applicability is directed.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective May 7, 1980)

Sec. 10-153e-27. Declaratory ruling; procedure after filing

(a) The Board may give notice to any other person or organization that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(b) If the Board deems a hearing necessary or helpful in determining any issue concerning the request for declaratory ruling, the Board shall schedule such hearing and give such notice thereof as shall be appropriate.

(Effective May 7, 1980)

Sec. 10-153e-28. Scope of bargaining determination

Any employee organization, employer, or arbitrator may request the Board to determine the scope of collective bargaining if

(1) during the course of collective negotiations one party seeks to negotiate with respect to a matter or matters which the other party contends is not a mandatory subject for collective negotiations or

(2) one party seeks to submit a matter to a fact finder or binding interest arbitrator which the other party contends is not a mandatory subject for collective negotiations or

(3) a party alleges that an illegal subject of bargaining is improperly submitted to a grievance arbitrator.

A request for such a determination shall be submitted to the Board in the same form as a request for a declaratory ruling and shall be subject to the same procedure. If such a request has the effect of delaying negotiations or arbitration, the Board shall make every effort to expedite the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-29. Petitions concerning adoption of regulations

(a) Any person or organization may at any time petition the Board to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of the petitioner's attorney, if applicable.

(b) Within thirty (30) days following receipt of the petition, the Board shall determine whether to deny the petition, or to initiate regulation making proceedings in accordance with the petition. If the petition is denied, the petitioner shall be notified in writing of the reasons for said denial.

(Effective May 7, 1980)

Sec. 10-153e-30. Settlement of cases

Informal disposition may be made of any complaint or petition by stipulation, agreed settlement, consent order, or default.

(Effective May 7, 1980)

Sec. 10-153e-31. Pre-trial hearings

Prior to any scheduled hearing the Board or agent may order the parties to meet with a Board member, agent or other staff member for the purpose of obtaining stipulations of fact, joint exhibits, disclosure of evidence and identification of witnesses and issues to be raised at the formal hearing.

Failure to disclose evidence, witnesses or issues at the pre-trial hearing may result in the Board's denying the introduction of such evidence, testimony or issues at the formal hearing.

(Effective May 7, 1980)

Article IV

General Provisions Relating to Parties and Procedure Applicable to All Proceedings

Sec. 10-153e-32. Quorum of board

A vacancy in the Board, or the absence or disqualification of a member of the Board, shall not impair the right of the remaining members to exercise all of the powers of the Board, and two members of the Board shall at all times constitute a quorum.

(Effective May 7, 1980)

Sec. 10-153e-33. Nonjoinder and misjoinder of parties

No proceeding under the Act will be dismissed because a person directly concerned is not a party thereto. If it is necessary for the determination of the matter in dispute so to do, the Board may allow parties to be added or substituted and unnecessary parties to be dropped at any time in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-34. Parties; relief

All persons alleged to have engaged in any prohibited practices may be joined as Respondents, whether jointly, severally or in the alternative, and a decision may be rendered against such one or more of the Respondents as is appropriate upon all the evidence. The Board may award any relief appropriate under law and the facts proven, and shall not be limited to the relief demanded.

(Effective May 7, 1980)

Sec. 10-153e-35. During pendency of hearing

All motions made at a hearing shall be stated orally, shall be included in the stenographic report of the hearing and shall be decided by the Board. All motions, rulings, decisions and orders shall become part of the record in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-36. Motion made before or after hearing

All motions made, other than those made during a hearing or hearings, shall be filed in writing with the Board and shall state the order or relief applied for and the grounds for such motion. The moving party shall serve copies of all such papers on all parties and shall within three (3) days thereafter, file an original, with proof of due service, and four (4) copies of all papers with and for the use of the Board. Answering statements, if any, shall be served on all parties and an original thereof, with proof of due service, and four (4) copies shall be filed with the Board within three (3) days after service of the moving party or parties, unless otherwise directed by the Board. All motions shall be decided by the Board upon the papers filed with it, unless the Board, in its discretion, shall decide to hear oral argument, or take testimony, in which event the Board shall notify the parties of such fact and of the time and place for such argument or for the taking of such testimony.

(Effective May 7, 1980)

Sec. 10-153e-37. Intervention; procedure; contents; filings and service

Any board of education or employee organization desiring to intervene in any proceeding shall file with the Board a sworn petition and four (4) copies thereof in writing, setting forth the facts upon which such board of education or employee

organization claims an interest in the proceeding. Such petition shall be served on all the parties. Petitions shall be filed with the Board, with proof of service, at least two (2) days prior to the first hearing. Failure to serve or file such petition, as above provided, shall be deemed sufficient cause for the denial thereof unless it shall be determined that good and sufficient reason exists why it was not served or filed as herein provided. The Board shall rule upon all such petitions and may permit intervention to such an extent and upon such terms and conditions as it shall determine may effectuate the policies of the Act.

(Effective May 7, 1980)

Sec. 10-153e-38. Consolidation or severance

Two or more proceedings under the Act may be consolidated by the Board, in its discretion, and such proceedings may be severed by the Board, in its discretion.

(Effective May 7, 1980)

Sec. 10-153e-39. Witnesses; examination; depositions

Witnesses at all hearings shall be examined orally, under oath or affirmation. If a witness resides outside the state or through illness or other cause is unable to testify before the Board, his or her testimony or deposition may be taken within or without the state in such manner and in such form as may be directed by the Board. All applications shall be made by motion to the Board in accordance with the motion practice herein set forth.

(Effective May 7, 1980)

Sec. 10-153e-40. Record

A record of the proceedings shall be made by the Board.

(Effective May 7, 1980)

Sec. 10-153e-41. Application for subpoenas

Any party to a proceeding may apply to the Board for the issuance of a subpoena or subpoena duces tecum, requiring the attendance during a hearing of any person, party or witness and directing the production at a hearing of any books, records or correspondence or other evidence relating to any matter under investigation or any question before the Board. Such application shall be timely, shall be in writing and shall specify the name of the witness or the documents or things, the production of which is desired, with such particularity as will enable such documents to be identified for purposes of production and the return date desired. Such application shall be made and filed with the Board and need not be served on any other party. Any subpoena issued by the Board shall be mailed or delivered forthwith to the party applying therefor. Arrangements for the service of the subpoena, according to law, shall be made by such party.

(Effective May 7, 1980)

Sec. 10-153e-42. Witness fees

Witnesses summoned before the Board or its Agent shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and shall be paid by the Board when they appear by the Board's instance, and the person

taking the deposition shall be paid by the party at whose instance the deposition is taken or by the Board if the deposition is taken at its instance.

(Effective May 7, 1980)

Sec. 10-153e-43. Board shall conduct hearings

A hearing for the purpose of taking testimony upon a complaint, or upon a complaint and answer, shall be conducted by the Board. Such hearings shall be open to the public.

(Effective May 7, 1980)

Sec. 10-153e-44. Hearings; powers and duties of the board

During the course of any hearing, the Board shall have the full authority to control the conduct and procedure of the hearings, and the records thereof, to admit or exclude testimony or other evidence, and to rule upon all motions and objections made during the course of the hearing. The Board shall provide that a full inquiry is made into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. In any hearing, the Board shall have the right to call and examine witnesses, to direct the production of papers or documents and to introduce into the record such papers or documents.

(Effective May 7, 1980)

Sec. 10-153e-45. Examination of witnesses; introduction of evidence

In any hearing, the Agent and all parties shall have the right to call, examine and cross-examine witnesses and to introduce into the record papers and documents or other evidence subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 10-153e-46. Hearings; evidence

The Board shall not be bound by technical rules of evidence. All findings of the Board as to facts shall be supported by substantial evidence.

(Effective May 7, 1980)

Sec. 10-153e-47. Hearings; stipulations

At a hearing, stipulations may be introduced in evidence with respect to any issue, subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 10-153e-48. Continuation of hearings

In the discretion of the Board, the hearing may be continued from day to day or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Board or by other appropriate notice designated by the Board.

(Effective May 7, 1980)

Sec. 10-153e-49. Contemptuous conduct at hearings

Any person who engages in contemptuous conduct before the Board may, in the discretion of the Board, be excluded from the hearing room or further participation in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-50. Waiver of hearing; consent order

Nothing in these regulations shall prevent the entry of an order with the consent of the Respondent, and on notice to all parties and without the holding of any

hearing or the making of any findings of fact or conclusions of law, if the Respondent shall waive the holding of any hearing and making of the findings of fact and conclusions of law.

(Effective May 7, 1980)

Sec. 10-153e-51. Oral argument or briefs at the close of hearings

In all hearings under the Act the Board may, in its discretion, permit the parties to argue orally before it at the close of the hearings or to file briefs. The time for oral argument or filing briefs shall be fixed by the Board. Any request for oral argument before the Board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the Board shall be within the discretion of the Board. Arguments shall be included in the stenographic report unless the Board directs otherwise.

(Effective May 7, 1980)

Sec. 10-153e-52. Variance between pleading and proof

(a) A variance between the pleading in a prohibited practice proceeding and the proof shall be considered immaterial unless it prejudicially misleads any party or the Board. Where a variance is not material, the Board may admit such proof and the facts may be found accordingly. Where a variance is material, the Board may permit an amendment at any time before the final order of the Board upon such terms as it deems just. Any party or the Board may move to conform the pleadings to the proof.

(b) The Board shall disregard all defects in pleading and procedure wherever this may be done without impairing the substantial rights of any party, if justice so requires.

(Effective May 7, 1980)

Sec. 10-153e-53. Motions and objections at hearings

Motions made during the hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearing.

(Effective May 7, 1980)

Sec. 10-153e-54. Application for leave to reopen a hearing on grounds of newly discovered evidence

No motion for leave to reopen a hearing because of newly discovered evidence shall be entertained unless it is shown that such additional evidence is material, that the motion has been timely made and that there were reasonable grounds for the failure to adduce such evidence at the hearing. Nothing contained in this section shall be deemed to limit the right and power of the Board in its discretion and on its own motion to reopen a hearing and take further testimony.

(Effective May 7, 1980)

Sec. 10-153e-55. Findings of fact; conclusions of law; decision and order; exception

The Board shall, at any time after the close of a hearing issue its findings of fact, conclusions of law, decision and order. Such findings of fact, conclusions of law, decision and order shall contain, but need not be limited to (a) a statement of the case and preliminary procedure before the Board, (b) findings of fact, (c) conclusions of law, (d) decision and order.

(Effective May 7, 1980)

Sec. 10-153e-56. Record of proceedings before the board

(a) The record of the proceedings before the Board shall consist of the complaint or amended complaint, any other pleadings, notices of hearing, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, the decision and order.

(b) If a prohibited practice proceeding is predicated in whole or in part upon a prior representation proceeding, the record of such representation proceeding shall be obtained, if available, and will be deemed a part of the record in the prohibited practice proceeding for all purposes.

(Effective May 7, 1980)

Sec. 10-153e-57. Public record

The record as defined in the preceding section shall constitute the public record of cases and shall be made available for inspection or copying under such conditions as the Board may prescribe.

(Effective May 7, 1980)

Sec. 10-153e-58. Practice before the board

Any person who at any time has been a member of or employed by the Board shall not be permitted to appear before the Board as an attorney or representative for any person, school board or employee representative organization until the expiration of six (6) months from the termination of his employment with the Board, nor shall he at any time be permitted to appear in any case which was pending before the Board during the period of his employment with the Board.

(Effective May 7, 1980)

Article V**Service of Complaints, Orders and Other Processes****Sec. 10-153e-59. Method; proof; complaints; orders and other processes and papers of the board and agent**

Complaints, decisions and orders and other processes and papers of the Board and Agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof in the principal office or place of business of persons to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same and the return post office receipt or telegraph receipt therefor, when registered or certified and mailed or telegraphed as aforesaid, shall be proof of service of the same.

(Effective May 7, 1980)

Sec. 10-153e-60. Service by a party

Service of papers by a party to the proceeding shall be made by registered or certified mail or in person. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of such service. When service is made by registered or certified mail, the return post office receipt shall be proof of service.

(Effective May 7, 1980)

Sec. 10-153e-61. Service upon attorney

If a party appears by her, his or its attorney, all papers other than the complaint, notice of original hearings, and final decisions and orders may be served, as herein

provided, upon such attorney with the same force and effect as though served upon the party.

(Effective May 7, 1980)

Article VI

Construction, Amendments or Application of Regulations

Sec. 10-153e-62. Construction of regulations

These regulations shall be liberally construed and shall not be deemed to limit the powers conferred upon the Board by the Act.

(Effective May 7, 1980)

Sec. 10-153e-63. Application of general regulations

These regulations and any amendments thereto shall govern all proceedings filed with the Board on or after the effective date of these regulations.

(Effective May 7, 1980)