

SUMMARY OF BOARD PROCEDURES

BEFORE THE HEARING

1. If either party would like to hold a pre-hearing telephone conference with a representative of the Board, they should contact the Board in writing and one will be scheduled prior to the scheduled hearing date.
2. The parties are encouraged to settle their dispute. You may discuss settlement on your own. Settlement discussions may occur at any time.
3. At least two weeks before the hearing date you should exchange copies of the documents that you intend to move into evidence at hearing.
4. Rule 65.20 governs the issuance of subpoenas. A request for subpoenas must be made well in advance of the hearing date to allow for mailing, service and possible motion(s). You must use Board-authorized subpoenas which you may find online at the Board's website at www.labor.state.ny.us/iba. Click on the link to forms on the bottom left of the Board's home page and other links related to subpoenas will appear.

THE HEARING

1. A hearing date will be set forth in a Notice of Hearing. Please assume that the hearing will take an entire business day; scheduling conflicts on the day of hearing will not be grounds for an adjournment.
2. An Interpreter will be provided at hearing **if** you notify the Board with sufficient notice prior to hearing.
3. Beside the Notice of Hearing, you will not receive any other reminders of your hearing.
4. If Petitioner fails to appear at hearing, it is likely that the case will be dismissed. See the Board's Rules of Procedure and Practice (Rules) 65.24.
5. The hearing is a formal legal proceeding at which evidence is taken. Evidence is the sworn testimony of witnesses and documents that are both relevant to your case and contain reliable information. The hearing is **NOT** an informal discussion. An affidavit will generally **NOT** be accepted in place of the testimony of a live witness.
6. You must have **ALL** of your evidence at the hearing, including all of your witnesses and four (4) copies of each document that you want the

Board to consider in reaching its decision. After the hearing is over, you will not be permitted to add other evidence.

7. The Board's decision will be based **ONLY** on the evidence (testimony and documents) presented at hearing and admitted into evidence at the hearing by the Board's hearing officer.
8. The Petitioner(s) has (have) the burden (responsibility) to prove that the Respondent Commissioner of Labor's order is unreasonable and/or invalid.
9. Please read Sub-part E of the Rules which governs Board hearing procedures.

MISCELLANEOUS

1. The Board will not cancel a hearing date unless it receives either a fully executed stipulation of settlement, including a provision that the petition is withdrawn, or a letter **signed by both parties (or their representatives)** that states that a settlement has been reached and that the Petitioner withdraws the petition.
2. You can always find the time, date, and location of your hearing online at the Board's website at www.labor.state.ny.us/iba. Click on the link to "Pending Case Docket", then enter the docket number of your case **without dashes or spaces** in the box at the top of the page and click on "Search". The time, date and location of your hearing will be in the column furthest to the right.
3. You can always find the Board's Rules on line at the Board's website at www.labor.state.ny.us/iba. Click on the link on the left to the Board's Rules of Procedure and Practice. Then scroll down to the section number or Part that you want. If you don't know the section you want to view, try looking in the Table of Contents at the beginning of the Rules.
4. You can also always find recent decisions of the Board and the times and dates of pre-hearing conferences at the Board's website at www.labor.state.ny.us/iba. You may also conduct legal research within recent Board decisions at the Board's website.