

621—2.8(20) Order of procedure.

2.8(1) *Order of procedure.* The following is the order of procedure for hearings before the agency:

- a.* The employer shall present its evidence first in unit determination hearings.
- b.* The complainant shall present its evidence first and shall have the burden of proof in prohibited practice hearings.
- c.* The appellant shall present the appellant's evidence first and have the burden of proof in grievance appeals filed pursuant to Iowa Code section 8A.415(1).
- d.* The appellee shall present its evidence first and have the burden of proof in disciplinary action appeals filed pursuant to Iowa Code section 8A.415(2).
- e.* The petitioner shall present its evidence first and have the burden of proof in state employee whistleblower actions filed pursuant to Iowa Code section 70A.28.
- f.* The board or administrative law judge may, in its discretion, alter the order of procedure.

2.8(2) *Order of procedure for intervenors.* Intervenors shall follow the parties in whose behalf the intervention is made; if not made in support of a principal party, the administrative law judge shall designate at what stage such intervenors shall be heard.

2.8(3) *Order of other parties and general procedures.* The order of other parties shall be determined by the administrative law judge. All parties shall be allowed cross-examination and an opportunity for rebuttal. At any stage of the hearing or after the close of the hearing but prior to decision, the board or administrative law judge may call for further evidence to be presented by the party or parties concerned.
[ARC 5631C, IAB 5/19/21, effective 6/23/21]