

486—4.55(10A,88) Issuance of subpoenas—petitions to revoke or modify subpoenas—right to inspect or copy data.

4.55(1) The employment appeal board shall, on the application of any party directed to the employment appeal board, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in their possession or under their control. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued. The requesting party shall be responsible for service of the subpoenas.

4.55(2) Any person served with a subpoena shall, at any time prior to the hearing, move in writing to revoke or modify the subpoena if that person does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpoena was issued. The employment appeal board shall revoke or modify the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law, the subpoena is otherwise invalid. The employment appeal board shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.

4.55(3) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to procure copies of, transcripts of the data or evidence submitted by them.

4.55(4) Upon the failure of any person to comply with a subpoena issued upon the request of a party, the employment appeal board shall initiate proceedings in the appropriate district court for the enforcement thereof, if in its judgment the enforcement of such subpoena would be consistent with law and with policies of the Act. The employment appeal board shall not be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.