

Intervening circumstances which can change scope of hearing, status of the parties or the issues: Intervening circumstances may occur either prior to or during the hearing which can change the scope of the hearing (e.g., a petition presents appropriate unit issues and the parties also raise eligibility issues; a cross-petition is filed which raises new contract bar issues). These issues arise in the form of motions, amendments of the petition, requests to intervene, cross-petitions or evolve as the evidence is secured.

Whether these matters arise before the hearing or during the hearing, the Hearing Officer is responsible for ensuring that:

- a) these matters are addressed,
- b) issues are identified,
- c) parties that are affected by issues raised are notified properly, and
- c) the hearing is structured appropriately.

This includes a review of any relevant sections of this Guide (e.g., *HOG 18.7.2, 18.7.5, 23 and 33.9*). See e.g., *U.S. Department of the Interior, National Park Service, 55 FLRA 466 (1999)* where the Authority found that the Regional Director committed prejudicial error when, during the course of the hearing, he found that the employees from each of the affected units in a reorganization constituted a separate appropriate unit, but did not properly notify the former incumbents of their rights with respect to the successorship issue.

