

**DESCRIPTION:** Under limited supervision, presides over hearings on factual and legal issues involving multiple complex subject matters and associated regulations and laws, and the presentation of evidence and testimony in accordance with the rules of evidence prevailing in courts of law or equity, and renders decisions and orders; performs related work as assigned.

**DISTINGUISHING CHARACTERISTICS:** (A position is assigned to this class based on the scope and level of work performed as outlined below.)

Positions assigned to this single level class have adjudicative administration responsibilities that include: researching/studying agency records, summaries, exhibits, legal documents, and arguments filed by attorneys and interested parties; writing notice of hearings; compiling and comparing agency material; holding pre-hearing conferences with parties; making procedural rulings throughout the pre-hearing and hearing processes regarding motions and objections by parties; posing questions in the hearing process to elicit the information required to make a decision; interpreting and applying regulations/laws and evaluating testimony and material/arguments presented to draft an administrative order approving, denying, or modifying a right or obligation or status of an interested party.

The Hearing Officer class is distinguished from the Attorney II class (when used as a hearing officer) by: 1) the position presiding over hearings on multiple subject matters that are highly diverse and vary widely in complexity (such as Juvenile, Medicaid, developmental disability, child support, economic assistance, long-term care, protested tax audit and examination, property assessment, insurance, liberty of the party); 2) the complexity of hearings characterized by a broad range of administrative actions and statutes, and frequently changing conditions, situations and problems (such as multiple attorneys, corporations, expert testimony, multiple and inconsistent State and federal regulations, and frequently changing case law); 3) the impact of hearings (such as financial cost to State or third parties, liberty of the party, impact on basic life necessities, and highly public content/profile); and 4) 80% or more of the work time is devoted to these hearing officer responsibilities.

**EXAMPLES OF WORK:** (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned.)

Conducts prehearing conferences, including explaining the hearing process and rules, and allowable information to present.

Researches and analyzes laws, regulations, policies, and precedent decisions to prepare for hearings and determine conclusions.

Reviews and determines relevancy of records such as case history, program directives, or agency administrative information.

Presides over and conducts contested case/appeal hearings by: scheduling date, time and location of hearing; administering oaths; ruling on legal motions; ascertaining pertinent facts by questioning witnesses and reviewing documents; directing the recording of testimony and ruling on objections; assessing evidence and testimony, to admit or exclude, by facilitating direct examination, cross examination and further examination as necessary; and issuing subpoenas to compel attendance of witnesses and production of papers/records.

G31010 – HEARING OFFICER (continued)

Monitors and directs the activities of administrative hearings to ensure that they are conducted fairly and administers justice while safeguarding the legal rights of all involved parties; maintains order in adversarial situations.

Evaluates the relevance of statutes, case law, and other guidelines along with prior court decisions, arguments, and evidence and testimony to render decisions.

Plans and organizes all phases of the work necessary for its completion within program guidelines.

Supervises or assigns and monitors work of clerical, support, or paraprofessional staff.

Prepares written findings of fact and final decisions based on evaluation of pertinent facts and application of appropriate provisions of law and established precedents.

Renders decisions that are binding as law, affirming or denying previous agency decisions based on evidence and testimony, claim records, applicable provisions of law, and established precedents.

Analyzes independently findings of fact in cases under review; establishes finding of fact on new evidence presented; and researches case law to determine conclusions of law.

Questions witnesses and rules on objections, motions, and admissibility of evidence; reviews documentary evidence and determines elements of a complete case record; affords due process to each party.

Documents all cases; directs the preparation of transcripts and transmits the transcripts of selected cases to appropriate parties.

Dismisses cases pursuant to the delegations granted by higher level of authority.

Consults with division and agency directors regarding proposed orders.

**KNOWLEDGE, SKILLS, AND ABILITIES REQUIRED:** (These are needed to perform the work assigned.)

Knowledge of: the techniques of preparing/drafting legal documents and forms; the principles and practices of criminal and civil law administration; judicial procedures and rules of evidence; the principles and practices of legal research; the procedures of administrative hearings; procedures followed in the conduct of contested case hearings; appeal rights and remedies as set forth in pertinent case laws, statutes, and administrative rules; specific laws, court decisions, and established precedents applicable to the employing department's programs.

Skill in: interacting with contentious clients and customers and their representatives to identify and resolve issues.

G31010 – HEARING OFFICER (continued)

Ability to: interact with legal associates, other government employees, the public, and representatives of parties involved in a case; interpret and apply statutes, case law, decisions of judicial or administrative hearings, and administrative rules and policies; analyze facts and make decisions based on evidence presented and applicable laws, rules and precedents; communicate with others in person, and by correspondence and electronic means; exchange information with individuals or groups by listening actively and responding accordingly; read and understand highly technical (such as legal or medical) reports and depositions relating to physical and psychological trauma and disease or personal status; summarize a volume of evidence and write an explanation of the reasoning used in arriving at findings of fact and conclusions of law; maintain order in adversarial quasi-judicial situations; exercise judgment and interpersonal approaches to maintain work relationships with claimants, court officials and the general public; interpret liability, eligibility, and qualification requirements for benefits or other services; organize data and prepare written legal decisions; display initiative, concentrated effort, and attention to detail; analyze and interpret a variety of factors, perspectives, and alternatives and apply critical thinking to resolve issues.

**MINIMUM QUALIFICATIONS:** (Applicants will be screened for possession of these qualifications. Applicants who need accommodation in the selection process should request this in advance.)

Two years experience as an attorney practicing law and providing legal services such as preparing cases, advising clients, and/or interpreting laws and/or administrative policies.

**LEGAL REQUIREMENTS:** (These qualifications are mandated by federal/state laws, statutes, and/or regulations.)

In accordance with Section 7-101, Nebraska Revised, Reissued Statutes of 1943, incumbents in this class must be admitted to the Nebraska Bar.

**SPECIAL NOTES:**

State agencies are responsible to evaluate each of their positions to determine their individual overtime eligibility status as required by the Fair Labor Standards Act (FLSA).