



# State of Nevada – Department Of Personnel

## CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>CHIEF ESD APPEALS REFEREE</b>	<b>40</b>	<b>A</b>	<b>12.110</b>
<b>ESD APPEALS REFEREE II</b>	<b>38</b>	<b>B</b>	<b>12.121</b>
<b>ESD APPEALS REFEREE I</b>	<b>36</b>	<b>B</b>	<b>12.135</b>

### SERIES CONCEPT

ESD Appeals Referees conduct fair and impartial quasi-judicial hearings related to unemployment insurance benefits, experience rating rulings and employer tax liability cases; make decisions affecting benefit payments, effective dates of eligibility and tax liability for past, present and future employees of a business; affirm, modify or reverse any overpayment already established and impose disqualifications when claimants make willful misrepresentation of facts; elicit and record testimony, accept documentation, and make findings of fact; weigh the validity of issues and evidence presented at the hearing; research and interpret related laws, case law, regulations, policies and procedures applicable to the issues; and make appropriate decisions.

Schedule, open and preside at hearings under the guidelines of the Nevada Administrative Procedures Act, federal laws, regulations and standards, and agency policies and procedures; issue subpoenas for witnesses and/or records; admit relevant documentation, testimony and exhibits into evidence; summarize the issues for the record and for the parties involved; question claimants/petitioners and witnesses to clarify facts; swear in witnesses and control questioning; maintain order and rule on procedural matters including the admissibility and relevance of evidence presented; guide the development of the case and maintain a clear, understandable record.

Review and analyze documented evidence and arguments and research applicable laws, case law, and regulations; make decisions based on facts established during hearings, opinions obtained from expert witnesses which clarify issues being heard, and applicable policies, laws and regulations.

Render written decisions; clearly state the relevant issues, findings of fact that support any conclusions of law, and reasons and rationale for the decision; cite applicable law and case law and where conflicting evidence exists, state the basis for finding one party's evidence more credible; sign final decisions which are subject to appellate review.

Perform related duties as assigned.

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### CLASS CONCEPTS

**Chief ESD Appeals Referee:** Incumbents develop and implement statewide procedures to provide timely due process at both the initial and final administrative hearing levels for unemployment insurance benefits, experience rating rulings and employer tax liability cases, Trade Readjustment Act, and other programs.

Analyze and evaluate the impact of mandated program changes and make recommendations for implementation; facilitate implementation of new programs and services in appeals offices; allocate staffing resources, training and capital to provide optimal service throughout the State; publish directives regarding program goals and objectives, minimum work standards and work processes to ensure compliance with laws, regulations and requirements.

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**CLASS CONCEPTS (cont'd)**

**Chief ESD Appeals Referee (cont'd)**

Supervise subordinate supervisors and appeals referees; identify parameters under which offices function and optimum methods of operation; conduct staff meetings to share information and ensure appropriate methods for resolving problems; review operational status of the appeals program in each office, identify performance deficiencies, and ensure compliance with policies, directives and procedures.

Review second level of testimony and prepare a digest of testimony; answer correspondence; advise Board of Review on law, precedent and policy applicable to appeals being heard; compose written Board decisions and opinions from notations of Board action.

**ESD Appeals Referee II:** Under general direction of the Chief ESD Appeals Referee, incumbents perform the full range of duties in the series concept and in addition, coordinate, organize and supervise ESD Appeals Referee I positions and clerical support staff in a regional office.

Provide appropriate training and staff development; provide technical expertise on more difficult cases; answer subordinate questions and resolve problems/complaints with staff and clients; develop work performance standards, and conduct performance evaluations; recommend and prepare documentation for disciplinary action; review and summarize double affirmative cases for the Board of Review; attend Board hearings in the manager's absence and write reversal and remand decisions.

Evaluate workload and production reports and adjust work assignments to meet federal requirements; complete and score quality assurance case evaluations quarterly and transmit results to the Department of Labor.

**ESD Appeals Referee I:** Incumbents perform the full range of duties described in the series concept under general supervision of an ESD Appeals Referee II. Work is assigned according to caseload standards or status and is reviewed through case reviews and evaluation by an ESD Appeals Referee II, subsequent appeals and Board of Review action. This is the journey level in the series.

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**MINIMUM QUALIFICATIONS**

**SPECIAL NOTES AND REQUIREMENTS:**

- \* Current certification as a paralegal or graduation from an accredited school of law may be substituted for one year of the required experience.

**CHIEF ESD APPEALS REFEREE**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and four years of experience which included managing diverse programs and functions of an office; supervising subordinate managers, supervisors or professional staff providing a variety of unemployment insurance services; interpreting and applying complex rules, regulations, policies and procedures; analyzing complex information, problems, situations, practices and procedures and identify relevant concerns, factors, tendencies and relationships; preparing comprehensive management reports and recommendations; monitoring critical office functions; evaluating and revising policies and procedures; establishing staffing patterns and priorities; developing and implementing new services and procedures; and establishing and maintaining working relationships with agency management, government officials and professionals in the community; **OR** an equivalent combination of education and experience. (See *Special Notes and Requirements*)

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Page 3 of 4

### MINIMUM QUALIFICATIONS (cont'd)

#### CHIEF ESD APPEALS REFEREE (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** methods and techniques of efficient administration, including all aspects of unemployment insurance benefit service delivery; administrative hearing processes and procedures. **Ability to:** review subordinate determinations and decisions and recommend appropriate action; project workload and appropriate necessary staff and equipment; conduct meetings with subordinate managers and supervisors regarding program development, coordination and implementation. **Skill in:** preparing comprehensive management reports and analysis; coordinating the functions and diverse programs of an office with a large staff or multiple locations; setting priorities to accurately reflect the needs and goals of all aspects of assigned programs; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Ability to:** manage unemployment insurance benefit service delivery; review and prepare reports for management regarding statewide appeal hearings offices; develop and implement regional or statewide policies and procedures; establish standard procedures which comply with due process and other legal requirements.

#### ESD APPEALS REFEREE II

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and two years of experience conducting quasi-judicial hearings for contested unemployment insurance benefit administrative decisions; interpreting unemployment laws, case law, rules, regulations or policies; eliciting facts in dispute from adversarial parties; and analyzing a variety of relevant factors for the purpose of making and preparing a written decision; **OR** two years as an ESD Appeals Referee I in Nevada State service; **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** quality control practices for administrative hearings and decisions. **Ability to:** assess the effectiveness of work methods and recommend improvements; organize material, information and resources in a systematic way to optimize efficiency and program effectiveness; maintain current knowledge of program-related regulations, guidelines and requirements and disseminate information to subordinate staff. **Skill in:** resolving complaints and problems; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** quality control methodology and goal setting for hearings and decisions in an assigned program; principles and practices of in-service training and supervision. **Ability to:** supervise subordinate staff including organizing work flow to accomplish directives, delegating responsibility, conducting training, evaluating performance and administering necessary discipline; interact effectively with internal management and external agencies and entities.

#### ESD APPEALS REFEREE I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and two years of professional experience in a unemployment insurance program which included making determinations or adjudicating issues through interpretation and application of federal and State laws, regulations and procedures; analysis of policy, precedents and current circumstances; and writing concise, logical, grammatically correct, and understandable decisions or technical documentation; **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements)*

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**MINIMUM QUALIFICATIONS (cont'd)**

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**

**Working knowledge of:** interpretation and application of federal and State laws and regulations related to the assignment; program policies and procedures applicable to the assigned hearings areas; English grammar and composition. **General knowledge of:** standard rules of evidence, hearsay evidence, and due process. **Ability to:** make appropriate decisions based on an analysis of policy, precedents, and current circumstances; read and interpret laws, regulations, policies, procedures, legal documents and/or medical reports; effectively communicate with persons from a variety of social, economic and educational levels, both verbally and in writing; establish priorities which accurately reflect the relative importance of job responsibilities; maintain an unbiased attitude and deal objectively with individuals in emotionally charged situations; evaluate information and truthfulness of testimony; present information in a tactful manner; schedule hearings based on complexity, anticipated length of hearing, and disputed facts; determine needed information and phrase questions accordingly. **Skill in:** relating and interpreting laws and precedents to specific issues under review; writing concise, logical, grammatically correct, and understandable decisions; recognizing degrees of truth and reliability in evaluating information; dealing effectively with hostile or emotional people; interviewing to elicit specific information or facts; maintaining control and focus of a hearing or meeting.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):**

**Working knowledge of:** legal precedents concerning unemployment insurance benefits, experience rating, rulings and employer tax liability cases; standard rules of evidence, hearsay evidence, and due process requirements. **Ability to:** interact effectively with hearings participants, petitioners, legal counsel, witnesses and representatives of the department in a manner which produces an orderly, impartial environment and ensures due process; use appropriate terminology in the decision to effectively explain the facts of the claim, adjudicative interpretations, and justifications of lawful conclusions to all parties involved; logically evaluate arguments and identify their strengths and weaknesses in application to each case heard; communicate decisions concerning motions and objections. **Skill in:** performing legal research.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>12.110</u>	<u>12.121</u>	<u>12.135</u>
ESTABLISHED:	1/1/61	7/18/80	1/1/61
REVISED:			12/1/63
REVISED:	12/1/65		12/1/65
REVISED:	7/18/80	12/18/80-3	7/18/80
REVISED:	7/1/87P-12	7/1/87P-12	7/1/87P-12
	4/14/87PC	4/14/87PC	4/14/87PC
REVISED:	7/1/03P	7/1/03P	7/1/03P
	7/2/02PC	7/2/02PC	7/2/02PC