

**State of Michigan
Civil Service Commission**

Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Position Code

1. ADMEXMA

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.

| | |
|---|---|
| 2. Employee's Name (Last, First, M.I.) | 8. Department/Agency LICENSING AND REGULATORY AFF |
| 3. Employee Identification Number | 9. Bureau (Institution, Board, or Commission) Michigan Office of Administrative Hearings and Rules |
| 4. Civil Service Position Code Description Administrative Law Examiner-A | 10. Division Public Service Commission |
| 5. Working Title (What the agency calls the position) Administrative Law Examiner 16 | 11. Section |
| 6. Name and Position Code Description of Direct Supervisor WALLACE, SALLY; ADMINISTRATIVE LAW MANAGER-2 | 12. Unit |
| 7. Name and Position Code Description of Second Level Supervisor LONG, JAMES E; ADMIN LAW ADMINISTRATOR-2 | 13. Work Location (City and Address)/Hours of Work 7109 W. Saginaw, Lansing, MI 48917 / 8-5/M-F with remote & AWS if applicable |

14. General Summary of Function/Purpose of Position

Employees in this position function as an administrative law judge with responsibility for presiding over the entire spectrum of case types (both high and low volume) assigned to MOAHR, which encompasses complex and non-complex administrative hearings relating to the regulatory authority, rules, and procedures of the Public Service Commission. Rendered decisions are based on findings of fact and/or legal interpretations and conclusions. Extensive independent judgment is used to make decisions in carrying out assignments that have substantial impact on services or programs. Primary, though not exclusive, jurisdiction is in the area of the Public Service Commission. The employee will serve as a senior level adjudicator handling complex referrals. These adjudications will require coordination with other state agencies and will involve local units of government. Cases could involve multiple hearing days with multiple items in contention and will have significant financial impacts on businesses, government, and citizens of the State of Michigan. Given the nature of the disputes involved, cases could result in media or legislative interest.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary: **Percentage: 50**

Conduct contested case hearings involving complex issues that have interest to, and significant financial impact on, business, government and citizens of the State of Michigan. The contested case hearings often involve heightened media/legislative interest. Hearings often entail multiple hearing days involving multiple parties, with a multitude of issues and witnesses, and include matters involving multi-million dollar utility rate cases.

Individual tasks related to the duty:

- Review all documents in case file prior to hearing to identify issues, relevant legal authority, and procedural questions.
- Preside over hearings and oral arguments concerning disputed fact and/or law.
- Conduct prehearing conferences to clarify issues, establish deadlines for submissions, and establish timeframes for completion of the hearing.
- Administer oaths and affirmations.
- Maintain order and make a complete formal record of the proceedings. Rule on offers of proof and receive relevant evidence.
- Dispose of procedural requests or similar matters.
- Regulate participation of parties. Rule on motions, objections, the relevance of testimony and exhibits, and other procedural matters.
- Question witnesses if necessary or desirable.
- Hear arguments of parties and/or counsel upon completion of evidence.
- Receive expert testimony of professionals in specialized fields.

Duty 2

General Summary: **Percentage: 30**

Create a formal record of facts and documents; review files, records and briefs; conduct research to determine applicable statutes and case law and issues written orders and proposed decisions.

Individual tasks related to the duty:

- Review files, records and briefs.
- Draft and finalize summaries of proceedings, findings of fact, and conclusions of law with regard to both complex and non-complex hearings.
- Issue written orders, decisions, reports, and proposals for decision within established timeliness deadlines.
- Adhere to format and style guidelines in issuance of opinions.

Duty 3

General Summary: **Percentage: 10**

Legal research.

Individual tasks related to the duty:

- Utilize various methods of legal research of legal issues pertaining to case subject areas of the agency and assist in the development of best practices in assigned areas.
- Research areas of the law, including where there is conflicting authority or no legal precedent.
- Participate in training, seminars, conferences and meetings.

Duty 4

General Summary: **Percentage: 5**

Maintenance of records and reports related to the position.

Individual tasks related to the duty:

- Maintenance of calendar containing schedule of assigned cases.
- Maintenance of copies of hearing reports, proposals for decisions, opinions, rulings, correspondence, etc.
- Timekeeping records demonstrating time spent on various case types.

Duty 5

General Summary: **Percentage: 5**

Other duties as assigned.

Individual tasks related to the duty:

- Miscellaneous duties as assigned

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

All substantive decisions regarding cases, including the application of applicable law to the facts, are made independently. Substantive decisions include both dispositive and non-dispositive rulings on contested case motions, evidentiary rulings that occur during motion hearings and contested case hearings, rulings on requests for adjournment, continuances, discovery, etc. These decisions impact the party or parties to the cases assigned to the administrative law examiner as well as the general public.

17. Describe the types of decisions that require the supervisor's review.

1. Decisions that deviate in format/layout/titles from standards.
2. Exceptions from established timeliness standards.
3. Orders from higher appellate authority admonishing for inappropriate behavior.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

The physical general office environment includes sitting, typing, walking, and lifting light to medium weights. Travel to offices and other hearing sites with appropriate equipment to conduct in-person hearings is required. Travel must be completed in all weather conditions. Overnight stays may be necessary.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

- | | | | |
|----------------------------|------------------------------------|----------------------------|-----------------------------------|
| <input type="checkbox"/> N | Complete and sign service ratings. | <input type="checkbox"/> N | Assign work. |
| <input type="checkbox"/> N | Provide formal written counseling. | <input type="checkbox"/> N | Approve work. |
| <input type="checkbox"/> N | Approve leave requests. | <input type="checkbox"/> N | Review work. |
| <input type="checkbox"/> N | Approve time and attendance. | <input type="checkbox"/> N | Provide guidance on work methods. |
| <input type="checkbox"/> N | Orally reprimand. | <input type="checkbox"/> N | Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Yes.

23. What are the essential functions of this position?

Employees in this position function as an administrative law judge with responsibility for presiding over the entire spectrum of case types (both high and low volume) assigned to MOAHR, which encompasses complex and non-complex administrative hearings relating to the regulatory authority, rules, and procedures of the Public Service Commission. Rendered decisions are based on findings of fact and/or legal interpretations and conclusions. Extensive independent judgment is used to make decisions in carrying out assignments that have substantial impact on services or programs. Primary, though not exclusive, jurisdiction is in the area of the Public Service Commission. The employee will serve as a senior level adjudicator handling complex referrals. These adjudications will require coordination with other state agencies and will involve local units of government. Cases could involve multiple hearing days with multiple items in contention and will have significant financial impacts on businesses, government, and citizens of the State of Michigan. Given the nature of the disputes involved, cases could result in media or legislative interest.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

25. What is the function of the work area and how does this position fit into that function?

MOAHR performs contested case hearings under a wide variety of statutory frameworks. This position is responsible for presiding over hearings of a variety of case types, with primary, though not exclusive, jurisdiction in the area of the Public Service Commission.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of a Juris Doctorate degree from an accredited school of law.

EXPERIENCE:

Administrative Law Examiner 16

Three years of professional experience in legal work, including one year equivalent to an Administrative Law Examiner P15 or Administrative Law Specialist P15.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge, skills and abilities as defined in the job specification, plus:

- Considerable knowledge of administrative law and procedures and the practices and procedures involved in quasijudicial hearings under the Administrative Procedures Act and federal requirements.
- Considerable knowledge of the statutory and regulatory authority, rules and procedures associated with the contested case hearings conducted by the Michigan Office of Administrative Hearings and Rules especially in the area of Public Service Commission cases.
- Able to conduct work remotely, as needed.

Preferred Experience - One year of specialized skills and experience in the rate or utility regulatory area. In addition, pursuant to Section II.G. of Executive Order No. 2005-1, as modified by Executive Order Nos. 2005-26, 2011-4, 2019-6, and 2019-13, the consent of the Michigan Public Service Commission (PSC) is required to perform hearing functions for PSC cases.

CERTIFICATES, LICENSES, REGISTRATIONS:

Must be a member in good standing in the Michigan State Bar Association.

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

N/A

I certify that the entries on these pages are accurate and complete.

Appointing Authority

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date