

**State of Michigan
Civil Service Commission**

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

Position Code

1. ADMEXMEA34N

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-E	10. Division
5. Working Title (What the agency calls the position) Administrative Law Examiner	11. Section
6. Name and Position Code Description of Direct Supervisor NELSON-DAVIS, MARYA; ADMINISTRATIVE LAW MANAGER-2	12. Unit
7. Name and Position Code Description of Second Level Supervisor PASCOE, DEE J; ADMIN LAW ADMINISTRATOR-2	13. Work Location (City and Address)/Hours of Work 611 W. Ottawa, 2nd Floor, Lansing/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 examiner with responsibility for presiding over complex and non-complex administrative hearings relating to the regulatory authority, rules and procedures of the assigned department or agency. Rendered decisions are based on findings of fact and/or legal interpretations and conclusions. Primary, although not exclusive, case type is Department of Health and Human services (DHHS) cases.

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.

Individual tasks related to the duty:

- Review all documents in case file prior to hearing to identify issues, relevant legal authority, and procedural questions.
- Conduct prehearing conferences to clarify issues, establish deadlines for submission, and establish timeframes for the completion of the hearing.
- Preside over hearings and oral arguments concerning disputed facts and/or law with appropriate judicious temperament.
- 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 the parties, representatives, and/or legal counsel upon completion of evidence.
- Receive expert testimony of physicians and other professionals in specialized fields.
- Properly mark admitted exhibits.

Duty 2

General Summary:

Percentage: 30

Timely write and issue decisions, orders, and/or proposals for 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 decisions, orders, and proposals for decision within established law, rules, policies.
- Ensure that decisions, orders, and proposals for decisions are issued in compliance with state, federal, and internal timeliness standards.
- Adhere to format and style guidelines for opinions and decisions.

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 that are either in conflict or in which no legal precedent or department policy has been established.
- Participate in training, seminars, conferences and meetings.

Duty 4**General Summary:****Percentage: 5**

Maintain records and reports related to position.

Individual tasks related to the duty:

- Maintain calendar containing schedules of assigned hearings and prehearing conferences.
- Maintain the file for assigned cases, ensuring that the file contains copies of hearing reports, exhibits admitted at the hearing, proposals for decision, opinions, rulings, correspondence, etc.
- Submit open cases status log to supervisor.
- Maintain timekeeping records demonstrating time spent on various case types.
- Properly record and download audio recordings of all hearings and prehearing conferences.

Duty 5**General Summary:****Percentage: 5**

Other duties as assigned.

Individual tasks related to the duty:

Other duties as assigned.

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

The employee makes all substantive decisions regarding cases assigned to the employee. These decisions are based upon well-established laws, policies and precedents and are independent of any supervisory individual. Decisions include but are not limited to both dispositive and non-dispositive rulings on contested case motions; evidentiary rulings which occur during motion hearings and contested case hearings; rulings on requests for adjournments, continuances, and discovery; and proposals for decision and final decisions and orders. 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 or decisions from a higher appellate authority questioning/admonishing the employee's decision-making, impartiality, or temperament.
- 4) Requests for reconsideration or rehearing from either party.
- 5) Proposals for decision requiring DHHS Director Policy Hearing Authority.
- 6) Orders of remand from Circuit Court, the Michigan Court of Appeals, the Michigan Supreme Court, or the U.S. District Court.

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 county offices and other hearing sites with appropriate equipment to conduct in-person hearings is required. Travel must be completed in all weather conditions with valid driver's license. 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?

The position will perform administrative contested case hearings under a wide variety of statutes, policies and regulations with primary emphasis on Department of Health and Human Services cases, as required by operational needs.

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 in a variety of case types with primary emphasis on Department of Health and Human Services cases.

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.

EXPERIENCE:

ALE 13: No specific type or amount is required.

ALE 14: One year of experience in legal work equivalent to an Administrative Law Examiner or Administrative Law Specialist in state service or one year of attorney experience.

ALE P15: Two years of experience in legal work including one-year equivalent to an Administrative Law Examiner 14 or Administrative Law Specialist 14 or two years of attorney experience.

KNOWLEDGE, SKILLS, AND ABILITIES:

Considerable knowledge of administrative law and procedure and the practices and procedures involved in quasi-judicial hearings under the Administrative Procedures Act and federal requirements. Additionally, 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, with a primary emphasis in the area of Department of Health and Human Services cases.

CERTIFICATES, LICENSES, REGISTRATIONS:

Membership in good standing in the State Bar of Michigan.

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