

Position Code 1.

State of Michigan
Civil Service Commission
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909
POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete this form 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 Affairs.
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission)
	Michigan Office of Administrative Hearings and Rules
4. Civil Service Position Code Description	10. Division
Administrative Law Examiner 17	
5. Working Title (What the agency calls the position)	11. Section
Administrative Law Examiner	
6. Name and Position Code Description of Direct Supervisor	12. Unit
Sharon L. Feldman, Administrative Law Manager-2	
7. Name and Position Code Description of Second Level Supervisor	13. Work Location (City and Address)/Hours of Work
Lisa K. Gigliotti, Administrative Law Administrator-2	7109 W. Saginaw, Lansing, MI 48917 8:00 am to 5:00 pm – Monday - Friday

14. General Summary of Function/Purpose of Position

Employees in this position function as an advanced specialist administrative law judge with responsibility for presiding over highly complex and sensitive administrative hearings for the Public Service Commission. Rendered decisions are based on findings of fact and legal interpretations and conclusions, with the Commission making the final decision prior to appeal to the courts. Adjudications will frequently involve multiple hearing days and parties and will require extensive independent judgment. Decisions may have substantial economic and financial impacts across the state including beneficial or adverse impacts on Michigan residents, businesses, and units of government, may involve millions of dollars, and may 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 of Duty 1

% of Time 50

Conduct contested case hearings for the Public Service Commission that are of a quasi-judicial nature and involve the adjudication of highly complex disputes that may involve media/legislative interest and involve multiple hearing days with multiple issues and parties. Requires knowledge of the Public Service Commission's programs, regulatory authority and precedent decisions. In many cases, the availability of guidelines is limited and theories, principles and practices of the profession must be utilized in order to determine the appropriate courses of action.

Individual tasks related to the duty.

- Preside over contested case hearings that typically are of a highly complex and sensitive nature and may have substantial social, economic, financial or public policy impact.
- Preside over other hearings in the nature of oral argument involving dispositive and non-dispositive motions regarding disputed issues of fact and/or law, discovery and evidentiary motions, and requests for adjournments and continuances.
- Conduct prehearing conferences to establish deadlines for discovery and timeframes for the completion of the case, define and/or narrow issues to be litigated at trial, and explore possible areas of settlement or agreement.
- Entertain and evaluate testimony of applicants, complainants and respondents as well as expert and lay witnesses.
- Determine the relevance of testimony and exhibits in the most complex contested cases.
- Rule on objections and motions.
- Do legal research on issues raised in motions.

Duty 2

General Summary of Duty 2

% of Time 30

Create a complete formal record of facts and documents; review files, records and briefs received from parties litigating the most complex contested case matters. Conduct research to determine applicable statutes and precedent-setting decisions. Issue proposals for decision at conclusion of cases.

Individual tasks related to the duty.

- Draft and finalize summaries of proceedings, findings of fact and conclusions of law with regard to highly complex and contested case proceedings that require the production of formal hearing reports, proposals for decision and final orders.
- Conduct legal research on applicable law and precedents involving highly complex issues, including legislative intent where no precedent exists.

Duty 3

General Summary of Duty 3

% of Time 10

Conduct proceedings to arbitrate and mediate disputes between telecommunication providers, and between end-users and providers, pursuant to State and federal law.

Individual tasks related to the duty.

- Establish with the parties procedures and schedules for mediating and arbitrating disputes; chair arbitration panels, conduct meetings and/or informal hearings. Research both legal and technical issues of the highly complex nature. In the case of arbitrations, prepare and issue decisions of the arbitration panel (in cooperation with other panelists); in mediations, draft and issue a recommendation as required by the alternative dispute resolution provisions of the Michigan Telecommunications Act and the Metropolitan Extension Telecommunication Rights-of-Way Oversight Act.

Duty 4

General Summary of Duty 4

% of Time 5

Maintenance of records and reports related to the position.

Individual tasks related to the duty.

- Maintain records and reports related to the position which would include maintenance of calendar for purposes of scheduling, maintenance of copies of all hearing reports, proposals for decision, opinions, motion rulings, correspondence, etc.

Duty 5

General Summary of Duty 5

% of Time 5

Other duties as assigned. Examples include:

Individual tasks related to the duty.

- Drafting standardized hearing reports and proposals for decision.
- Performing legal research and other functions for Chief Administrative Law Judge.
- Review publications and orders to maintain current knowledge of the technical and legal issues and policies related to regulation of energy and telecommunications entities.
- Assist in the development of best practices and training materials in assigned topic area.
- Confer with colleagues.

Duty 6

General Summary of Duty 6

% of Time

Individual tasks related to the duty.

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

The Presiding Judge makes all decisions concerning the highly complex and sensitive cases and motions before the Commission. These decisions are made independently of any supervisory individual due primarily to the extensive experience of the Presiding Judge. Decisions include both dispositive and non-dispositive rulings on contested case motions, evidentiary rulings that occur during motion hearings and highly complex contested case hearings. Other decisions include rulings on requests of adjournment, continuances, discovery, etc. Such decisions affect the party or parties to the cases assigned to the Judge. As an arbitration panel Chairperson, participate in the drafting of decisions of the arbitration panel. As a mediator, issues recommendations as to the terms of resolutions of disputes.

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

Decisions requiring supervisory review might include whether to dismiss an individual case for failure by a party or parties to comply with a Presiding Judge’s ruling, order or other directive.

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

The environmental circumstances of the job are those typical of a professional office work place and no unusual hazards or conditions are normally present.

Physical activities associated with the position include standing, sitting, bending, stooping and occasional lifting and/or carrying.

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. (If more than 10, list only classification titles and the number of employees in each classification.)

<u>NAME</u>	<u>CLASS TITLE</u>	<u>NAME</u>	<u>CLASS TITLE</u>

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

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

23. What are the essential functions of this position?

See #15.

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

PD is being updated for clarity and to correct out-of-date information. There have been no significant changes to this position description.

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

This group of Administrative Law Judges conduct quasi-judicial hearings and issues Proposals for Decision and other rulings in contested cases involving a wide variety of matters concerning public utilities and telecommunications. Cases can involve millions of dollars and complex issues in diverse areas such as finance, accounting, economics and engineering related to utilities operations; rate theory and design; and consumer complaint matters. This position serves as an administrative law judge, presiding over hearings.

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 17

Four years of professional experience in legal work, including two years equivalent to an Administrative Law Examiner P15 or Administrative Law Specialist P15.

Selection Certification Requirement: One year of specialized skills and experience in the rate or utility regulatory area is required. 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.

KNOWLEDGE, SKILLS, AND ABILITIES:

This position requires extensive knowledge of administrative law and procedures and the practices and procedures involved in quasi-judicial hearings under the Administrative Procedures Act. Further, the incumbent should have extensive knowledge of the statutory and regulatory authority, rules and procedures associated with the contested case hearings conducted by the Public Service Commission. Must possess the ability to: conduct the most complex quasi-judicial hearings; use judgment, tact and discretion; determine pertinent legal principles and standards and apply them; make sound findings of fact; prepare accurate, logical written decisions; and communicate effectively both verbally and in writing with others. Must be able to conduct work remotely, as needed.

CERTIFICATES, LICENSES, REGISTRATIONS:

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

NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for 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's Signature

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

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

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

Appointing Authority Signature

Date

TO BE FILLED OUT BY EMPLOYEE

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's Signature

Date

NOTE: Make a copy of this form for your records.