

GENERAL DESCRIPTION OF CLASS

The EMPLOYMENT APPEALS BOARDS (EAB) LEGAL STAFF persons review the hearings record, including transcripts and documentary evidence of highly technical and specialized unemployment compensation contested case hearings held before the Employment Division referees. The legal staff analyze those documents, written and/or oral arguments, and render written orders for EAB final approval, applying applicable law to the facts.

DISTINGUISHING FEATURES

This is a single classification and not currently part of a series of classes.

DUTIES AND RESPONSIBILITIES

The EAB Legal Staff independently reviews the completed contested case record, consisting of transcribed testimony, exhibits, matters officially noted, and documents which vest the EAB with jurisdiction to complete their quasi-judicial function. The EAB relies on the legal staff's knowledge, expertise, and judgment in rendering its final decision. The complexity of many of the proceedings and the evidentiary and procedural standards applied in the EAB review make the review analogous to Court of Appeals review. The tasks involved require a high level of professional and technical knowledge. The decisions and recommendations of the EAB legal staff play a significant role in impacting the policy of the Employment Division. Some of the representative tasks of the EAB legal staff are as follows:

- 1.**Case Review.** Typical tasks: reviews orders issued by Employment Division referees, to which exceptions have been taken by parties to the action, for factual accuracy, legal consistency, and consistency with Employment Division policy; studies all testimony, exhibits, and legal briefs obtained from the hearing; reviews rulings on motions, procedural matters, admissibility of evidence according to the rules of evidence, statutory and case law, rules of procedure of the Employment Division, Employment Appeals Board, State, and Federal regulations; reviews records to ensure that a full and fair inquiry occurred regarding complex matters involving unemployment compensation issues; reviews and analyzes the evidence, arguments, and legal briefs presented at the hearing and posthearing, and legal briefs to determine the true facts; conducts extensive legal research and analysis using statutes, case law, Attorney General opinions, and agency rules and regulations; applies the facts to this analysis to reach a legal determination.
- 2.**Legal Research.** Typical tasks: finds prior court and EAB cases which are relevant to the current issues; reads new cases from throughout the U.S., and technical journals and periodicals to keep current on legal issues in order to make informed decisions.
- 3.**Decision Making.** Typical tasks: identifies legal and factual issues relevant in a case; decides factual matters by making credibility determinations; decides novel legal issues through application of complex legal concepts to the evidence; carries out legal research necessary to decide a case.
- 4.**Order Writing.** Typical tasks: prepares clear, cogent, and legally sufficient proposed orders; analyzes extremely complex factual evidence on a regular basis; presents an objective analysis of the positions of the parties; plays a major role in policy formation and implementation at the Employment

Division on major policy issues; analyzes testimony, exhibits, transcripts and briefs; prepares decision of case based on the evidence of record, Federal and State statutory and case law and regulations, and Employment Division and EAB policy.

5. Miscellaneous. Typical tasks: monitors ongoing court decisions, administrative rule changes, Attorney General opinions, legislative developments, and professional periodicals to remain current on the subject matter; meets with Employment Division personnel to discuss policy impacts from EAB decision making.

RELATIONSHIPS WITH OTHERS

Employees in this class interact daily with each other and members of the EAB, who rely upon their expertise, knowledge, and judgment in rendering their final decisions. Employees meet weekly with all EAB members to make recommendations on procedural or substantive issues, as Board members deliberate and decide cases. There is telephone contact on a daily basis with members of the legal profession, including appellants, labor and management representatives, the public, and various State agencies to furnish information about substantive law and procedures to those parties. There is frequent face-to-face personal contact with those same parties for the same reasons.

SUPERVISION RECEIVED

Employees in this classification receive general supervision from the Board's Executive Director through oral and written communications. Employees in this class work independently without direct supervision from the Executive Director. The employee must be able to work independently to manage work time, reading, and analyzing a high volume caseload. Their work is reviewed regularly by the Executive Director and is subject to final approval by the Board members. Employees in this class follow State and Federal statutes and administrative rules, Attorney General opinions, and precedent cases from State and Federal appellate courts, including the Supreme Court for the State of Oregon and the United States Supreme Court, in writing decisions.

GENERAL INFORMATION

Positions are found in a central location and require the willingness to work in a law office environment, with participants in the appeal process who are often distressed and difficult.

KNOWLEDGE, SKILLS, AND ABILITIES (KSA)

Extensive knowledge of State and Federal law as applicable to the specialized field of unemployment compensation including, but not limited to, the Federal Social Security Act, Federal Unemployment Tax Act, diverse Federal legislation administered by the U.S. Department of Labor, and State Employment Division Law.

Extensive knowledge of contested case procedures under the Administrative Procedures Act and other applicable contested case statutes.

Extensive knowledge of the legal rules of evidence and civil procedure.

Extensive knowledge of laws applicable to employer-employee relations.

General knowledge of administrative law.

General knowledge of the history and purpose of unemployment laws and rules.

General knowledge of correct English grammar, punctuation, and spelling.

General knowledge of a large variety of employment situations and types of work.

General knowledge of technical skills and terminology used by unemployment claimants.

Skill in identifying essential facts and issues.

Skill in identifying and applying appropriate law to essential facts.

Skill in writing legally sufficient decisions.

Skill in analyzing voluminous hearing records including exhibits in contested case proceedings involving attorneys, public employees, union representatives, employers, and the public.

Skill in preparing clear, concise, and well organized written decisions.

Skill in presenting complex ideas in direct, understandable language.

Skill in communicating with peers, untrained participants, and board members.

Skill in conducting research of laws, rules, precedents, and decisions.

Skill in analyzing the application of laws, rules, precedents, and decisions.

Skill in communicating complicated legal and factual issues.

Skill in interpreting documentary evidence and testimony.

Skill in writing comprehensive analysis of facts and evidence.

Skill in drafting written decisions setting forth legal issues and analysis of a case.

Ability to communicate with participants of the administrative hearing and review process who may be experiencing stress.

Ability to understand and apply agency rules and regulations to specific situations.

Ability to maintain harmonious working relationships with staff members, attorneys, all parties to an action, and the public.

Ability to comprehend and apply the rationale of appellate court decisions.

Ability to draw relevant facts from evidence presented.

NOTE: The KNOWLEDGE and SKILLS are required for initial consideration. ABILITIES may be required for initial consideration, at any time during the selection process, or during a trial service period as a

final stage of the selection process. Some duties performed by positions in this class may require different KSA's. No attempt is made to describe every KSA required for **all** positions in this class. Additional KSA requirements will be explained on the recruiting announcement.

Adopted 1/90

Revised

Examples of work are typical of duties assigned to this class. No attempt is made to describe every duty performed by all positions in this class.