

**GENERAL DESCRIPTION OF CLASS**

The Workers' Compensation Board Legal Staff provides technical support to the Workers' Compensation Board Members by independently reviewing case records, performing legal research, and writing proposed Board orders in response to appeals to decisions issued by the Workers' Compensation Board Hearings Referees.

**DISTINGUISHING FEATURES**

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

**DUTIES AND RESPONSIBILITIES**

The duties listed below are not inclusive but characteristic of the type and level of work associated with this class. Individual positions may perform all or some combination of the duties listed below as well as other related duties.

**1. Case Record/Order Review**

Reviews orders issued by the Workers' Compensation Board Hearing Division referees for factual accuracy, legal consistency, and consistency with workers' compensation policy.

Reviews and examines all or appropriate portions of case record to respond to topics addressed in appeal requests submitted by claimants, employers, insurers, or by attorneys on their behalf.

Studies all testimony, exhibits, and legal briefs submitted to the referee at the hearing; reviews the record (medical reports, hearing transcripts, claims documents, depositions, etc.) to determine the facts of the case.

Reviews rulings on motions, procedural matters, and admissibility of evidence for consistency and compliance according to rules of evidence, statutory, and case law, rules of procedure of the Department of Insurance and Finance Workers' Compensation Division, Workers' Compensation Board, and State and Federal regulations.

**2. Research and Analysis**

Conducts extensive legal research and analysis using statutes, case law, legislative history, Attorney General opinions, and agency rules and regulations.

Reviews and analyzes the evidence, including medical evidence, witnesses' credibility, arguments and legal briefs presented at the hearing, including post-hearing legal briefs, to determine that a full and fair inquiry occurred into complex matters involving workers' compensation issues and a correct decision was rendered by the hearings referee.

**3. Proposed Order Writing**

Prepares an objective response to the issues and arguments raised in the appellate briefs, including a

proposed order for adoption by the Workers' Compensation Board which resolves all issues, with findings of fact, conclusions of law, and legal opinions, by affirming with or without supplementation, modifying, or reversing the hearing referees' decision, or remanding for further proceedings as appropriate.

#### **4. Policy Assistance**

May serve as Special Hearings Officer for programs within the Board, e.g.

Crime victims appeals cases (reviews the decisions of the Department of Justice Crime Victims Unit which award or deny crime victim appeals for purposes of determining whether the appeal should be granted, in whole or in part, or denied.)

Reviews Claims Disposition Agreements between injured workers and insurers to determine that the terms comply with governing statutes and rules and are not unreasonable as a matter of law.

Reviews case decisions upon remand by a higher court.

Resolves third party disputes between insurance carriers and claimants involving third party settlements and judgments.

#### **RELATIONSHIPS WITH OTHERS**

Employees in this class interact daily, by telephone, in person, and by written communication, with each other, members of the Workers' Compensation Board, and various parties outside the Board unit who rely upon their expertise, knowledge, and judgment in rendering their decisions.

#### **SUPERVISION RECEIVED**

Workers' Compensation Board Legal Staff receive general supervision from the Supervising Attorney through oral and written communications. Their work is monitored and reviewed by the Supervising Attorney, Board Chair, and Board Members for quality, productivity, and legal proficiency. Employees in this class must be able to work independently and handle a high volume caseload in a timely manner.

**KNOWLEDGE AND SKILLS (KS)**

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

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

General knowledge of administrative law.

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

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.

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

Skill in presenting complex ideas in direct, understandable language.

Skill in communicating with peers, 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 (oral and written) complicated legal and factual issues.

Skill in interpreting documentary evidence and testimony.

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

Skill in performing research in statutes and legal references and summarizing research results into appropriate documents.

**NOTE:** The KNOWLEDGE and SKILLS are required for initial consideration. Some duties performed by positions in this class may require different KS's. No attempt is made to describe every KS required for **all** positions in this class. Additional KS requirements will be examined on the recruiting announcement.

Adopted 2/92

Revised