

**New York State Department of Civil Service**  
**DIVISION OF CLASSIFICATION & COMPENSATION**

Tentative Classification Standard

***Occ. Code 6512100***

<b>Hearing Officer 1, Grade 25</b>	<b>6512100</b>
<b>Hearing Officer 2, Grade 27</b>	<b>6510500</b>
<b>Hearing Officer 3, M-3</b>	<b>6512300</b>
<b>Hearing Officer 4, M-4</b>	<b>6512400</b>

Brief Description of Class Series

Hearing Officers preside at quasi-judicial or administrative hearings of an adversarial or investigative nature concerning the resolution of issues of fact, law and/or regulatory practice; make findings of fact and conclusions of law; and render or recommend decisions. These positions are classified in various State agencies.

Distinguishing Characteristics

*Hearing Officer 1:* full performance level; independently performs the full range of administrative hearings.

*Hearing Officer 2:* first supervisory or advanced performance level; oversees Hearing Officers 1; conducts the most difficult and precedent setting hearings.

*Hearing Officer 3:* second supervisory level; direct the day-to-day operation of an agency's administrative hearing program or a major portion of it through multiple Supervising Hearing Officers.

*Hearing Officer 4:* one position class; function as second-in-command of a large administrative hearing office; and manage a large staff of attorneys and administrative employees.

Related Classes

Attorneys provide legal assistance and support to agency program administrators by analyzing legal opinions, briefs and other material, preparing memoranda of law and conferring with administrators or parties to legal action to

mediate, negotiate or settle legal issues directly related to an agency's program. They function either as specialists in a single program governed by law or as generalists as evidenced by their concern with laws governing numerous programs.

### Illustrative Duties

#### *Hearing Officer 1*

Reviews requests for hearings to determine probable issues and apply the appropriate regulations and sections of law.

Issues, or causes to be issued, subpoenas for the attendance of witnesses and the production of necessary books, records and other documents.

Manages hearing calendars to ensure all cases are heard and decided in a timely manner as prescribed by applicable statute.

Conducts hearings to review and/or decide appeals from agency determinations, claims regarding issues such as eligibility for benefits, discontinuance, denial, adequacy, or reduction of benefits, revocation or suspension of licenses, violations of State laws, and enforcement of health and safety laws and regulations.

Instructs the parties of their rights; and maintains an atmosphere of fairness, impartiality and due process.

Administers oaths and affirmations.

Elicits testimony from parties relative to the issues of the hearing and questions witnesses to obtain facts.

Rules on various issues including objections by parties, relevancy and admissibility of evidence and exhibits, and requests for adjournment.

Organizes legal information or records; receives all exhibits produced.

Maintains a record of the hearing proceeding for use in determining the facts and for litigation.

Applies appropriate laws, regulations and policies to the facts and evidence.

Analyzes data to discover facts in case. Researches laws, regulations, policies, and precedent decisions to prepare for hearings and to determine conclusions.

Decides the issue being adjudicated as authorized by the applicable statute or rule. Drafts written opinions and decisions. May issue final and binding hearing

decisions.

Recommends the acceptance or rejection of claims or compromise settlements according to laws, regulations, policies, and precedent decisions.

May explain to parties how to appeal unfavorable rulings.

Reviews new legislation, regulations and other developments that have an impact on the conduct of hearings or on hearing decisions, and studies court cases having an impact on the hearing process.

May assist in defending lawsuits regarding hearing decisions by conducting research, drafting briefs and other supporting documents.

### *Hearing Officer 2*

Performs all duties of Hearing Officer 1. In addition:

Manages legal staff engaged in conducting hearings. Oversees office management, general oversight of procedures, assignment calendars, work schedules, and other administrative matters.

Develops, delivers, or reviews training programs for subordinate staff. Monitors and evaluate staff performance and provide feedback.

Consults with subordinate staff on proper prioritization of assigned hearing cases; and recommends strategies to streamline the hearing process.

Ensures that staff conducts hearings in a timely and professional manner.

Reviews hearing decisions and files to ensure that the due process rights of both sides at the hearings are safeguarded.

Reviews and monitors hearing decisions of all assigned staff for legal sufficiency and adherence to agency policy and procedures; and determines that performance standards are being met.

Ensures that findings are based on facts and decisions are clear, concise and timely. Issues final and binding hearing decisions.

Keeps up-to-date on amendments in statutes, regulations and decisional law; and communicates such changes to staff.

Recommends changes to policies and procedures, statutes and/or regulations to management.

Handles complaints, including fact gathering, concerning subordinate staff from

appellants, appellant's representatives and agency representatives.

Reviews requests for reconsideration and makes proper recommendations and/or determinations.

Conducts hearings on the most difficult and precedent setting cases, and court ordered re-hearings.

When in a non-supervisory role:

Conducts hearings on the most difficult and precedent setting cases, including expedited Medicaid hearings, emergency hearings, and home hearings.

Serves as a Commissioner's Designee authorized to issue oral decisions followed by consistent written decisions.

Drafts and issues decisions without supervisory review.

Creates new processes for new hearings and programs.

Reviews requests for reconsideration and makes proper recommendations and/or determinations.

Updates decision drafting legal verbiage when there are on amendments in statutes, regulations, and decisional law.

Develops and delivers training programs for individuals assigned to the Office of Administrative Hearings.

Recommends changes to policies and procedures, statutes, and/or regulations.

Reviews new legislation, regulations and other developments that have an impact on the conduct of hearings or on hearing decisions, and studies court cases having an impact on the hearing process.

### *Hearing Officer 3*

Oversees an agency's administrative hearing program or a major portion of that operation by supervising staff, acquiring resources and ensuring that production standards are met.

Establishes and maintains policies and procedures to ensure the most efficient processing of requests for hearings.

Ensures the timely scheduling and disposition of hearing cases.

Reviews hearing decisions to ensure that law, policies, and procedures are being

correctly applied.

Reviews and takes final action regarding recommendations on requests for reconsideration of hearing decisions to ensure that decisions are correctly decided; and emends or reopens hearing records as appropriate.

Reviews court rulings relating to hearings decisions and determines their effects on hearings policies and procedures. Modifies policies and procedures to comply with court decisions, amendments in statutes and changes in regulations.

Identifies training needs of staff and approves and oversees continuing legal education training programs.

Informs staff of changes in statutes, regulations, policies, and court decisions that affect the hearing program.

Reviews and comments on proposed legislation affecting hearing program.

Oversees the response to claims of non-compliance with hearing decisions and ensure proper resolution of complaints.

Fields inquiries and resolves complaints from appellants, representatives, elected officials, local districts or other governmental agencies concerning the hearing process.

Acts as liaison with counsel's office regarding hearing decisions that are appealed to the courts. Assists in preparing the defense for Article 78 litigation involving hearing decisions.

Provides expert legal advice and opinions to management and staff on hearing matters.

Drafts reports on hearing activities. Prepares or assists in compiling the budget for the hearings operation.

Represents the agency in meetings with legal advocacy and other interest groups; and provides information concerning the operation and practices of the hearings program.

#### *Hearing Officer 4*

Provides legal expertise to the Director of the Hearings Office and high-level agency management.

Assures that hearings are timely and effectively scheduled and that Hearing Officers receive essential daily support.

Reviews recommended fair hearing decisions that raise an issue of policy or legal interpretation or is otherwise highly sensitive.

Reviews recent court decisions related to fair hearings, determines the effects these decisions have on existing fair hearings policy and procedures; and, upon consultation with agency staff, develops recommendations for changes in fair hearings policies and procedures.

Implements approved changes in policies and procedures.

Participates in administrative activities such as preparation of annual budget requests, including projected staffing requirements based upon workload, case backlog and the effects of new, proposed and revised legislation, and recent court decisions on fair hearings.

Represents the office in meetings with agency counsel, interested parties, legal advocacy groups, and NYS Bar Association.

Participates in public speaking engagements; and represents the hearing office at agency labor management meetings.

Performs other duties to ensure the proper functioning of the administrative hearing process; and maintains appropriate communications.

### Minimum Qualifications

#### *Hearing Officer 1*

Open Competitive: admission to the New York State Bar and two years of post-Bar legal experience in the trial of issues in courts of records or trials of adversarial proceedings, quasi-judicial in nature, before a government agency.

#### *Hearing Officer 2*

Promotion: one year of service as a Hearing Officer 1.

#### *Hearing Officer 3*

Promotion: one year of service as a Hearing Officer 2.

#### *Hearing Officer 4*

Promotion: one year of service as a Hearing Officer 3.

Open Competitive: member in good standing of the New York State Bar and seven years of management experience in a large administrative legal division

operation or as a managing partner in a large law firm, with a substantial part of that experience devoted to addressing New York City's Human Resources Administration issues. This experience must include the administration of hearings.

**Note:** Classification Standards illustrate the nature, extent and scope of duties and responsibilities of the classes they describe. Standards cannot and do not include all of the work that might be appropriately performed by a class. The minimum qualifications above are those required for appointment at the time the Classification Standard was written. Please contact the Division of Staffing Services for current information on minimum qualification requirements for appointment or examination.

Date: 4/2024

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## Parenthetic Attachment

Hearing Officers perform a wide variety of duties. Hearing Officer parenthetics are classified when the majority of a given positions' duties and responsibilities emphasize a specific area of law or regulatory practice.

*Hearing Officer 1 (Division of Human Rights):* these positions exist only within the Division of Human Rights. Incumbents conduct formal hearings in cases of discrimination and discriminatory practices.

*Hearing Officer 2 (Division of Human Rights):* incumbents assist in the promulgation and execution of policies, programs, rules, and regulations; and review the progress of cases related to discrimination and discriminatory practices.

*Hearing Officer 3 (Division of Human Rights):* incumbent reviews recommended orders prior to issuance for compliance with guidelines; and determines adjournment requests for hearings and pre-hearing settlement conferences.

*Hearing Officer 1 (Parole Revocation):* these positions exist only at the Board of Parole, within the Department of Corrections and Community Supervision (DOCCS). Incumbents conduct parole revocation hearings to determine whether an individual has violated the conditions of parole, whether parole should be revoked, and for what length of time.

*Hearing Officer 2 (Parole Revocation):* incumbents are responsible for the efficient and effective operation of parole revocation hearings within their unit; and supervise Hearing Officers (Parole Revocation) within an assigned geographic region.

*Hearing Officer 3 (Parole Revocation):* incumbent has managerial responsibility for the parole hearing process; and ensures effective development and implementation of various policies, procedures, and regulations associated with the hearing process including those directed by the Board of Parole.

*Hearing Officer 3 (Inmate Discipline):* these positions exist only in DOCCS. Responsible for the day-to-day operation of the Statewide Inmate Disciplinary Hearing Officer Program; and supervise Inmate Disciplinary Hearing Officers who conduct Inmate Disciplinary Hearings in correctional facilities.

*Hearing Officer 1 (Minority And Womens Business):* these positions exist only in the Department of Economic Development. Conduct hearings concerning the denial or revocation of businesses applying for certification as minority or women owned businesses.



## Minimum Qualifications

### *Hearing Officer 1 (Division of Human Rights)*

Non-Competitive: candidates must be admitted to the New York State Bar and have four years of subsequent full-time legal experience engaged in the promotion and protection of human or civil rights under the New York State Human Rights Law (or related federal, state or local anti-discrimination laws), and involved in the conduct of trials or adversary proceedings, judicial or quasi-judicial, before a court of record or governmental agency.

### *Hearing Officer 2 (Division of Human Rights)*

Non-Competitive: candidates must be admitted to the New York State Bar and have five years of subsequent full-time legal experience engaged in the promotion and protection of human or civil rights under the New York State Human Rights Law (or related federal, state or local anti-discrimination laws), and involved in the conduct of trials or adversary proceedings, judicial or quasi-judicial, before a court of record or governmental agency, at least two years of which must have been in a management/supervisory capacity.

### *Hearing Officer 3 (Division of Human Rights)*

Non-Competitive: candidates must be admitted to the New York State Bar, and have six years of subsequent full-time legal experience engaged in the promotion or protection of human or civil rights under the Human Rights Law of the State of New York, or related federal, state or local anti-discrimination laws, and involved in the conduct of trials or adversary proceedings, judicial or quasi-judicial, before a court of record or government agency, at least two years of which must have been in a management/supervisory capacity.

### *Hearing Officer 1 (Parole Revocation)*

Non-Competitive: admission to the Bar of the State of New York, and either: four years of full-time post-bar legal experience, including two years of courtroom experience or experience practicing within an administrative body; four years of advocacy experience in a parole revocation process; four years of experience as a hearing officer or preliminary hearing officer in a parole setting; or any satisfactory combination of the above.

### *Hearing Officer 2 (Parole Revocation)*

Non-Competitive: admission to the Bar of the State of New York, and either: five years of full-time legal post-bar legal experience, with two years of courtroom experience or practicing before an administrative body; or five years of experience in a parole revocation process; or five years' experience as a preliminary hearing officer in a parole setting; or any satisfactory combination of the above.

### *Hearing Officer 3 (Parole Revocation)*

Non-Competitive: admission to the Bar of the State of New York, and either: five years of full-time legal post-bar legal experience, with two years of courtroom experience or practicing before an administrative body; or five years of experience in a parole revocation process; or five years' experience as a preliminary hearing officer in a parole setting; or any satisfactory combination of the above; and three years of supervisory/ management experience; or two years of supervisory/ management experience in a parole setting.

### *Hearing Officer 3 (Inmate Discipline)*

Non-Competitive: law school graduation and admission to the New York State Bar Association or admission to the Bar of a State Commonwealth other than the State of New York; AND three years of post-admission experience in adversarial proceedings including, but not limited to, criminal law, arbitration, formalized fact finding, dispute resolution, or other litigation practices; AND six years of experience conducting Tier 3 Inmate Disciplinary Hearings.

### *Hearing Officer 1 (Minority and Womens Business)*

Non-Competitive: admission to the New York State Bar and two years of full-time legal experience involved in litigation or administrative hearings regarding issues relevant to minority and women's business development.