

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

Classification Standard

**Occ. Code 6509060**

**Senior Trial Examiner, M-1 6509060**  
**Associate Trial Examiner, M-3 6509070**

**Assistant Director Public Employment Practices & Representation, M-4 8530800**

Brief Description of Class Series

Trial Examiners perform duties consistent with providing labor-management relations services under the Public Employees' Fair Employment Act (commonly referred to as the Taylor Law) and the New York State Employment Relations Act. These positions, which are non-competitive, are classified only at the Public Employment Relations Board (PERB).

Distinguishing Characteristics

Trial Examiners preside at quasi-judicial or administrative hearings which are of an adversarial or investigative nature concerning resolution of issues of fact and law; evaluate evidence; make findings of fact and conclusions of law and renders written decisions or recommendations. They influence statewide labor relations policy related to negotiating unit designation and the hearing of improper practice cases. The level of position classified is determined by complexity as it relates to the number of legal issues present, representation by counsel of parties to litigation, profile, potential impact of decision, and size of jurisdiction.

*Senior Trial Examiner:* full performance level; under the supervision of an Associate Trial Examiner or other higher-level staff, performs assignments in which legal issues are limited, parties are represented by counsel familiar with the process, profile of case is low, impact of decision is localized, or jurisdiction is small.

*Associate Trial Examiner:* advanced performance or first supervisory level; under the general direction of the Assistant Director and Director Public Employment Practices and Representation, performs assignments in which multiple legal issues are present, parties are represented *pro se* or with unfamiliar counsel, case raises high-profile issues, impact of decision is statewide or national scope, or jurisdiction is large; may supervise Senior Trial Examiners.

*Assistant Director Public Employment Practices and Representation:* managerial level; under general direction of the Director Public Employment Practices and

Representation, NS, exempt, supervises Associate Trial Examiners and assists the Director in all daily operations; oversees operations and compliance with management decisions, supervises training and research programs, and edits written decisions of Senior and Associate Trial Examiners to ensure consistency with precedent.

### Related Classes

Compensation Claims Referees adjudicate claims arising under the Workers' Compensation Law, Disability Benefits Law, Volunteer Firefighters' Benefits Law, and Volunteer Ambulance Workers' Law. They review informal administrative determinations and proposed conciliation decisions; and conduct formal evidentiary hearings and render decisions.

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.

Motor Vehicle Referees conduct administrative hearings and render decisions on most traffic violations. They also adjudicate violations of the Vehicle and Traffic Law and the Commissioner's Rules and Regulations by commercial establishments such as repair shops, dealers, inspection stations, driving schools and motor carriers. Motor Vehicle Referees render decisions on certain violations of the Navigation Law by boaters and violations of the Parks, Recreation and Historic Preservation Laws by operators of snowmobiles. Motor Vehicle Referees adjudicate cases involving the Zero Tolerance Law, as well as regulations concerning emission inspections.

Senior Trial Attorneys represent the New York State Insurance Fund in premium collection and claims litigation cases involving substantial financial and legal issues. Incumbents administer the heavier legal caseloads and oversee subordinate Senior Attorneys.

Unemployment Insurance Referees conduct hearings and render decisions in accordance with New York State Unemployment Insurance Law, related statutes, and special Federal programs, for claimants or employers appealing initial determinations or proposed actions of the administrators of special programs.

### Illustrative Tasks

#### *Senior Trial Examiner*

Conducts legal and factual research for use in the preparation of correspondence, legal opinions, cases for court trial or quasi-judicial hearings.

Investigates representation, improper and unfair labor practice, and management/confidential matters to ascertain facts prior to the litigation of legal issues.

Proposes findings of fact and conclusions of law to be included in confidential memoranda.

Assists Associate Trial Examiners generally in preparation of decisions in improper and unfair labor practice cases.

Develops background information for hearings and conferences.

Assists in and conducts elections and less complex hearings and conferences.

#### *Associate Trial Examiner*

Performs the duties and functions of a Senior Trial Examiner.

Prepares for and conducts prehearing conferences, assisting the parties to reach an agreement if possible.

Conducts hearings in cases where resolution is not possible.

Engages in legal research and prepares correspondence and other writings in response to inquiries received from PERB's constituents, as well as appearing before clientele groups.

Prepares a proposed decision in representation matters and in improper and unfair labor practice cases; such a decision contains a statement of the issue and relevant facts, together with a discussion and analysis of appropriate precedents, and becomes binding on the parties if it is not appealed to the Board.

May supervise Senior Trial Examiners and support staff.

#### *Assistant Director Public Employment Practices and Representation*

Performs the duties and functions of an Associate Trial Examiner.

Oversees all matters pertaining to regulation of improper and unfair labor practices and directs all matters pertaining to employee representation, including determination of the appropriate negotiating units, the designation of persons as either managerial or confidential, the supervision of elections to determine majority status and the eligibility for certification of employee organizations.

Reviews and processes all charges, petitions, and applications which are insufficient under the Acts and the Rules of Procedures.

Responds to inquiries; convenes and presides at conferences to assist employers and employee organizations in resolving improper and unfair labor practice charges, or enters into stipulations of fact which may eliminate or limit the need for a formal hearing.

Performs duties of the Director Public Employment Practices and Representation in the Director's absence.

Supervises Associate Trial Examiners; provides administrative supervision to Senior Trial Examiners and staff.

### Minimum Qualifications

#### *Senior Trial Examiner*

Non-competitive: one year of service as an Assistant Trial Examiner 3; or admission to the New York State Bar and two years of subsequent satisfactory legal experience\*.

#### *Associate Trial Examiner*

Non-competitive: Two years of service as a Senior Trial Examiner; or admission to the New York State Bar and six years of subsequent satisfactory legal experience\*.

#### *Assistant Director Public Employment Practices and Representation*

Non-competitive: One year of service as an Associate Trial Examiner; or admission to the New York State Bar and seven years of satisfactory legal experience\*.

\*Substantial experience in the field of labor-management law and labor-management relations primarily under the Taylor Law or similar collective bargaining laws including but not limited to experience as a neutral deciding or resolving disputes over terms and conditions of employment or representation issues or as an employer or union advocate in the adjudication and resolution of such labor-management disputes.

**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 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 requirements for appointment or examination.

Date: 2/2021

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