

New York State Department of Civil Service

DIVISION OF CLASSIFICATION & COMPENSATION

Classification Standard

Occ. Code 6547200

Unemployment Insurance Referee, Grade 25	6547200
Senior Unemployment Insurance Referee, Grade 27	6547300
Principal Unemployment Insurance Referee, M-3	6547400
Chief Unemployment Insurance Referee, M-5	6547800

Brief Description of Class Series

Unemployment Insurance Referees conduct hearings and render decisions, or may review appeals from hearing decisions and draft decisions for Unemployment Insurance Appeal Board Members, in accordance with New York State Unemployment Insurance (UI) Law, related statutes, and special Federal programs, for claimants or employers appealing initial determinations or proposed actions of the administrators of special programs.

Positions in this title series are located in the Unemployment Insurance Appeal Board (UIAB) at the Department of Labor.

Distinguishing Characteristics

Unemployment Insurance Referee: full performance level; independently conducts hearings, evaluates factual information, and decides issues of claimant eligibility or employer liability; may review appeals from hearing decisions and draft decisions for Unemployment Insurance Appeal Board members.

Senior Unemployment Insurance Referee: first supervisory level; supervises and coordinates the activities of Unemployment Insurance Referees; conducts the more difficult and precedent setting hearings; reviews the most complex appeals to the Unemployment Insurance Appeal Board.

Principal Unemployment Insurance Referee: non-competitive; second supervisory level; supervises Senior Unemployment Insurance Referees.

Chief Unemployment Insurance Referee: non-competitive; acts as the Chief Counsel for the Board; functions under the Chairperson of the Unemployment Insurance Appeal Board; directs the operations of the Appeals Sections and the Hearing Sections of the UI Appeals Board throughout the state.

Related Class

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.

Illustrative Duties

Unemployment Insurance Referee

Issues subpoenas for the attendance of witnesses and to produce necessary books, documents, and papers.

Conducts hearings on such subjects as eligibility for benefits, refusal of suitable employment, availability for and capability of employment, voluntary leave of employment, loss of employment due to misconduct, industrial controversy, wages, coverage, overpayment of benefits and the recoverability of overpayments, willful false statements to obtain benefits, refunds, or employer liability for contribution, experience rating, and assessments regarding the amount of contributions payable.

Identifies the parties involved and explains the pertinent issues and rights of each party, and administers oaths and affirmations.

Rules on objections by attorneys, parties or their representatives.

Elicits facts by interrogation of witnesses.

Rules on the admissibility of evidence and testimony.

Disposes of procedural requests and motions.

Decides the issue being appealed as authorized by the applicable statute, rule or regulation.

Considers and evaluates testimony and evidence, taking official notice of well-established facts.

Searches precedent decisions, court cases, legal interpretations, and citations which are pertinent to the issue.

Ensures a complete record of proceedings including material presented as exhibits.

Prepares and issues final decisions.

Studies current decisions of the Unemployment Insurance Appeal Board and various courts to determine trends and developments in the unemployment insurance field; and assists in the review of decisions of new Referees.

Senior Unemployment Insurance Referee

Supervises and coordinates activities of Unemployment Insurance Referees.

Assigns cases based on issues involved or special skill or knowledge required.

Severs or consolidates cases prior to scheduling, where the interests of justice will be served.

Decides on challenges as to the interest of a Referee.

Designates Referees to act upon application to reopen cases.

Ensures adherence to hearing schedules.

Attends and/or reviews hearings periodically to observe and evaluate Referees' performance.

Informs Referees of precedent setting decisions and changes in policy by holding meetings and distributing information.

Periodically reviews decisions rendered by subordinates.

Determines whether issues are properly disposed of in accordance with law and precedent.

Conducts hearings and renders decisions in complex or policymaking cases.

Communicates with parties to hearings on UIAB policies, rules, regulations and procedures.

Performs quality assurance tasks to ensure that UIAB adheres to qualitative standards.

Advises management of legal or procedural issues that may impact operations.

Conducts and participates in the development of training programs.

Oversees office management to ensure adherence to UIAB procedures and recommend changes to policies and procedures to management.

Principal Unemployment Insurance Referee

Conducts and supervises the training and instruction of Unemployment Insurance Referees.

Assigns selected cases and readings to Unemployment Insurance Referees and Senior Unemployment Insurance Referees to keep them informed of new interpretations of both UI Law and Case Law.

Provides updates on precedent setting cases in other jurisdictions which impact the Department of Labor.

Performs legal research for Board members in cases involving novel or unusually complex questions of law.

Maintains and improves a case law digest of appeal board and court cases.

Assists in the coordination or preparation of legal opinions to ensure conformity with established precedents and rulings.

Develops and issues special reports on statistics of Appeals Section.

Assists the Chief Unemployment Insurance Referee in the supervision of daily operations of the UIAB.

Acts as a consultant to Referees and Senior Referees on difficult matters of adjudication.

Recommends improvements in Board's processes and procedures.

Oversees handling of specific pending cases.

Conducts conferences with parties to clarify legal issues.

Conducts or manages special investigations requested by the Board.

Assists in the review of cases appealed by the Appellate Division prior to transmittal to the Attorney General.

Completes final review of Referee decisions for form and content.

Assists in the implementation of changed policies and procedures to ensure compliance with court decisions and mandates.

Chief Unemployment Insurance Referee

Supervises, plans and directs UI Referees throughout the State and establishes standards for the decisions rendered.

Reviews cases to ensure compliance with UI law, court decisions and board decisions.

Establishes standards for the writing and review of quasi-judicial decisions.

Coordinates the recruitment, selection, training, and evaluation of UI Referee's.

Conducts conferences, seminars, and institutes on procedural and substantive matters.

Prepares and issues manuals of procedures, training material, bulletins, and general informational material in unemployment insurance, and administrative law in conjunction with Principal UI Referees.

Conducts hearings when required in policy making cases and renders decisions.

Participates in the review and analysis of new or proposed legislative initiatives related to the administration of the Unemployment Insurance program.

Provides Board members pertinent legal decisions and background material.

Analyzes operating and statistical reports of the Hearings and Appeals Sections to evaluate and enhance productivity.

Studies UI case law, relevant legal precedents, trends and significant changes in legislation.

Represents the State of New York with unemployment insurance agencies and the tribunals of other States in matters of general interest in the field of unemployment insurance, and in Federal and interstate conferences affecting adjudication of unemployment insurance disputes.

Minimum Qualifications

Unemployment Insurance Referee

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.

Senior Unemployment Insurance Referee

Promotion: one year of service as an Unemployment Insurance Referee.

Principal Unemployment Insurance Referee

Non-Competitive: admission to the New York State bar and either: five years of experience in the general practice of law, of which one year of this experience must have been supervising attorneys engaged in the trial of issues in courts of record or adversary proceedings before or within a quasi-judicial agency or five years of experience in the general practice of law, two of which must have been in the conduct or preparation and trial of adversary proceedings before or within a public tribunal; or an equivalent combination of the foregoing experience and training.

Chief Unemployment Insurance Referee

Non-Competitive: admission to the New York State bar and two years of experience managing legal staff and either: four years of experience in the general practice of law of which two years must have been in the trial of issues in courts of record; or four years of experience in the trial of issues before a quasi-judicial agency or in the analysis and review of trial records in the capacity of legal assistant to a hearing officer; or a satisfactory combination of the foregoing experience and training.

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.

06/2024

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