STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

DUTY STATEMENT

GS 907T (REV. 04/02)

SHADED AREA FOR HUMAN RESOURCES ONLY

INSTRUCTIONS: Refer to the Payroll and Personnel Procedures Manual (PPPM) for Duty Statement Instructions.

RPA- OAH- **11995&11998**	EFFECTIVE DATE:

1. DGS OFFICE OR CLIENT AGENCY Administrative Hearings	POSITION NUMBER (Agency - Unit - Class - Serial) 306-662-6068-035
2. UNIT NAME AND CITY LOCATED Special Education Division-Oakland	3. CLASS TITLE Administrative Law Judge II
4. WORKING HOURS/SCHEDULE TO BE WORKED 8:00a.m. to 5:00p.m.	5. SPECIFIC LOCATION ASSIGNED TO 1515 Clay Street, Suite 206
6. PROPOSED INCUMBENT (If known) VACANT	7. CURRENT POSITION NUMBER (Agency - Unit - Class - Serial) 306-662-6068-035

The Department of General Services' (DGS) and Office of Administrative Hearings' (OAH) Core Values and Employee Expectations are key to the success of OAH's Mission. That mission is to "provide a neutral forum for fair and independent resolution of administrative matters, ensuring due process and respecting the dignity of all." DGS/OAH employees are to adhere to OAH's Core Values and Employee Expectations, and to perform their duties in a way that exhibits and promotes those values and expectations.

8. BRIEFLY (1 - 3 sentences) DESCRIBE THE POSITION'S ORGANIZATIONAL SETTING AND MAJOR FUNCTIONS

Under the direction of the Presiding Administrative Law Judge (PALJ), the Administrative Law Judge II (ALJ II) presides over the most complex and sensitive Special Education hearings and mediations, and other matters as assigned. The ALJ II follows the Individuals with Disabilities Education Act (IDEA), the Administrative Procedure Act (APA), and other similar procedural laws and rules. The ALJ II travels extensively to conduct hearings and mediations throughout California. You are expected to implement the vision, mission and values of DGS and OAH.

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
40%	The ALJ II presides over hearings and conducts mediations that are generally longer, involve more complex evidentiary and factual issues, and are frequently in areas of the law that are more difficult to interpret and apply. At the conclusion of the hearings, the ALJ II prepares final administrative decisions. The proceedings involve children with disabilities who are entitled to a free and appropriate public education under the IDEA and related state law. Additionally, to the extent workload permits, the ALJ II may preside over proceedings involving the renewal, suspension, or revocation of licenses and other matters referred to OAH for hearing and prepares proposed or final decisions as authorized by law. The hearings involve a wide variety of state and local agencies, such as the Departments of Developmental Services, Social Services, Real Estate and Insurance. This position is designated under the Conflict of Interest Code. The position is responsible for making, or participating in the making, of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete a form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment. **Essential Functions** **Hearing and Mediation Processes** Conducts quasi-judicial hearings, prehearing and settlement conferences, mediations, and other types of dispute resolution proceedings for state and other public agencies in compliance with legal requirements and OAH policies and procedures. Duties include:

11. SUPERVISOR'S STATEMENT: ***I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE***

SUPERVISOR'S NAME (Print)	SUPERVISOR'S SIGNATURE	DATE
Margaret Broussard		

12. EMPLOYEE'S STATEMENT: ***I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT***

The statements contained in this duty statement reflect general details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise to balance the workload.

EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
	• Presiding over proceedings and conducting hearings, prehearing conferences, settlement conferences, mediations, and other assigned proceedings in an efficient and professional manner. • Instructing participants of their rights and responsibilities in the hearing and mediation processes. • Serving as an impartial mediator of disputes in a manner that will secure confidence and respect, and maintain a fair and impartial attitude of mind without bias or prejudice. • Taking notes as required for mediations. • Timely ruling on prehearing motions and preparing oral or written orders as appropriate. • Conducting prehearing conferences, settlement conferences, and other preliminary proceedings. • Listening to testimony and evidence and participating in mediations for extended periods of time. • Taking notes during a hearing of evidence submitted from which a final or proposed decision can be efficiently written, including detailed notes of the testimony of each witness and observations of witness demeanor. • Ensuring that the record of the hearing is clear and complete for later review, including setting up and monitoring recording equipment as required, marking and recording admitted and excluded exhibits, and instructing participants regarding proper conduct. • Administering oaths to witnesses and language interpreters. • Issuing subpoenas as requested by parties. • Questioning witnesses as necessary to provide a clear and complete record. • Ruling on the admissibility of evidence. • Establishing schedules for further proceedings, including the submission of written argument or other post-hearing submissions.
40%	**Decisions** Utilizes a desktop or portable personal computer, writes a decision in each case heard following the *California Style Manual* and by employing a standard format which includes, but is not limited to introductory information, findings of fact, conclusions of law, and order. Relies upon notes and submitted evidence to prepare decisions. Researches applicable law through conventional and computer-assisted means. Completes decisions within the statutory time frame.
10%	The Administrative Law Judge II also: • Maintains timely and on-going communication with PALJ regarding workload, need for "writing time" or other time off-calendar, and works as a team with other ALJ's to ensure cases on calendar are heard on a timely basis, and any changes to the calendar are coordinated through the PALJ and Division Presiding Administrative Law Judge (DPALJ). • Maintains timely documentation in the case management system and timely communicates with DPALJ, PALJ and calendar clerks as required. • Maintains mutually respectful relationships with support staff to ensure efficient calendaring of matters as well as completion of correspondence and decisions on a timely basis. • Travels to and from mediation and hearing locations with required equipment and materials. • All ALJ's must comply with all applicable ethical standards, including the Administrative Adjudication Code of Ethics and the disqualification provisions of the California Administrative Procedure Act (Gov. Code, §§ 11475 – 11475.70; § 11425.30 [specified persons not to serve as presiding officer], 11425.40 [disqualification for bias, prejudice or interest in the proceeding]; 11430.60 [disqualification for receipt of an ex parte

10%	communication]; and 1151, subd. (c) [recusal, waiver and disqualification for cause]); provisions of the Government Code regarding financial conflicts of interest and bias, higher expectations of public servants for the use of public resources, and departmental policy governing conflicts of interest (Gov. Code, §§ 1090 [prohibits self-dealing]; 1125 et seq. [administrative ethics]; 19990 [inconsistent, incompatible or conflict activities]; and 81000 et seq. [Political Reform Act]; and Pub. Contract Code, §§ 10410, 10411 [making of contracts while holding office or post-employment]; Department of General Services Administrative Order 05-06 [Conflict of Interest Policy] and Office of Administrative Hearings Administrative Order 09-01 [Disclosure/Disqualification Policy]). All ALJ's handling special education matters are subject to additional provisions of federal and state law (20 U.S.C. § 1415(e)(2)(A)(ii), (f)(1)(A) (2004) [impartial mediation and due process hearing]; 34 C.F.R. §§ 300.506(b)(1)(iii) (2006) [impartial mediation]; 300.511(c)(1)(i)(B) (2006) [prohibits person with personal or professional interest from conducting due process hearing]; and Cal. Code Regs., tit. 5, §§ 3084 [ex parte communications] and 3099 [conflicts of interest]. **Marginal Functions** • In order to assist the Director, Deputy Director, DPALJ, or PALJ's, the ALJ II may be assigned to special projects relating to the functions of the office. • Serve as mentor to assist professional development of other ALJ's. **Knowledge and Abilities** ***Knowledge of***: Legal principles and their application, conduct of hearing proceedings and the provisions of the Administrative Procedure Act; rules of evidence governing such procedure and the laws relating to serving notices and issuing subpoenas; legal research; principles and theories of administrative law and the judicial review of administrative actions; principles and objectives of effective public administration and an understanding of the uses of proper administrative procedures in furthering these objectives; legal terms and forms in common use. ***Ability to***: Perform research; analyze, appraise, and apply legal principles, evidence and precedents to legal problems; make accurate summaries of evidence and prepare appropriate findings and conclusions of law and make recommendations based on such facts; conduct fair and impartial hearings in a manner that will obtain all pertinent evidence and secure confidence and respect; maintain a fair and impartial attitude of mind without bias or prejudice; communicate effectively; establish and maintain cooperative relations with those contacted in the course of the work. **Required Qualifications** • Active membership in the State Bar of California. • Admission to practice law in California for at least five years immediately preceding application for appointment. **Special Personal Characteristics** • Excellent communication skills. • Dependability and excellent attendance record. • Excellent interpersonal skills with individuals from diverse backgrounds. • Ability to effectively handle stress, adapt to changes in assignments and priorities, often with short notice, and meet deadlines. • Tact, judicial temperament, and self-motivation.

DUTY STATEMENT

GS 907T (REV. 1/98)

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
	Work Environment, Physical or Mental Abilities • Office environment, business dress according to office policy. • Ability to transport, operate and monitor recording equipment, personal computer, and hearing exhibits and materials. • Ability to configure mediation and hearing location as appropriate. • Ability to lift 30 pounds. • Ability to travel to assigned hearings and mediations—sometimes with short notice. • Ability to use personal computers and office software programs, such as Windows and Word, to efficiently prepare written work and manage caseload and calendar without assistance.

STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

DUTY STATEMENT

GS 907T (REV. 08/01)

SHADED AREA TO REFLECT RECLASS POSITION NUMBER ONLY

INSTRUCTIONS: Refer to the Essential Functions Duty Statement Manual for instructions on how to complete the Duty Statement.	RPA- OAH – **11998**	EFFECTIVE DATE:

DGS OFFICE OR CLIENT AGENCY Office of Administrative Hearings	POSITION NUMBER (Agency - Unit - Class - Serial) 306-662-6071-xxx
UNIT NAME AND CITY LOCATED Special Education Division –Oakland	CLASS TITLE Administrative Law Judge I
WORKING DAYS AND WORKING HOURS Monday through Friday 8:00 a.m. to 5:00 p.m.	SPECIFIC LOCATION ASSIGNED TO 1515 Clay Street, Suite 206
PROPOSED INCUMBENT (If known) VACANT	CURRENT POSITION NUMBER (Agency - Unit - Class - Serial) 306-662-6071-xxx

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BRIEFLY (1 or 2 sentences) DESCRIBE THE POSITION'S ORGANIZATIONAL SETTING AND MAJOR FUNCTIONS

Under the direction of the Presiding Administrative Law Judge (PALJ), the Administrative Law Judge I (ALJ I) presides over Special Education hearings and mediations, and other matters as assigned. The ALJ I follows the Individuals with Disabilities Education Act (IDEA), the Administrative Procedure Act (APA), and other similar procedural laws and rules. The ALJ I travels extensively to conduct hearings and mediations throughout California.

% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
40%	The ALJ I presides over hearings and conducts mediations, and prepares final administrative decisions concerning special education disputes. The proceedings involve children with disabilities who are entitled to a free and appropriate public education under the IDEA and related state law. Additionally, to the extent workload permits, the ALJ I may preside over hearings regarding renewal, suspension or revocation of licenses and other matters referred to OAH for hearing and prepare proposed or final decisions as authorized by law. These hearings involve a wide variety of state and local agencies, such as the Departments of Developmental Services, Social Services, Real Estate and Insurance. The ALJ I is the novice judge who is assigned to less complex cases. Occasionally an ALJ I will be assigned a case which becomes complex. In those instances, the ALJ I will receive additional guidance from the PALJ or an ALJ II on the hearing process and applicable law. This position is designated under the Conflict of Interest Code. The position is responsible for making, or participating in the making, of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete a form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment. **Essential Functions** **Hearing and Mediation Processes** Conducts quasi-judicial hearings, prehearing and settlement conferences, mediations, and other types of dispute resolution proceedings for state and other public agencies in compliance with legal requirements and OAH policies and procedures. Duties include:

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SUPERVISOR'S NAME (Print)	SUPERVISOR'S SIGNATURE	DATE
Margaret Broussard		

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EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE

DUTY STATEMENT

GS 907T (REV. 03/05)

% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
	• Presiding over assigned proceedings and conducting hearings, prehearing conferences, settlement conferences, mediations, and other assigned proceedings in an efficient and professional manner. • Instructing participants of their rights and responsibilities in the hearing and mediation processes. • Serving as an impartial mediator of disputes in a manner that will secure confidence and respect, and maintain a fair and impartial attitude of mind without bias or prejudice. • Taking notes as required for mediations. • Timely ruling on pre-hearing motions and preparing oral or written orders as appropriate. • Conducting prehearing conferences, settlement conferences, and other preliminary proceedings. • Listening to testimony and evidence and participating in mediations for extended periods of time. • Taking notes during a hearing of evidence submitted from which a final or proposed decision can be efficiently written, including detailed notes of the testimony of each witness and observations of witness demeanor. • Ensuring that the record of the hearing is clear and complete for later review, including setting up and monitoring recording equipment as required, marking and recording admitted and excluded exhibits, and instructing participants regarding proper conduct. • Administering oaths to witnesses and language interpreters. • Issuing subpoenas as requested by parties. • Questioning witnesses as necessary to provide a clear and complete record. • Ruling on the admissibility of evidence. • Establishing schedules for further proceedings, including the submission of written argument or other post-hearing submissions.
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	• 300.511(c)(1)(i)(B) (2006) [prohibits person with personal or professional interest from conducting due process hearing]; and Cal. Code Regs., tit. 5, §§ 3084 [ex parte communications] and 3099 [conflicts of interest].
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