



## STATE OF COLORADO

### CLASS SERIES DESCRIPTION

July 1, 2005

### ADMINISTRATIVE LAW JUDGE

H5L1TX TO H5L3XX

#### DESCRIPTION OF OCCUPATIONAL WORK

This class series contains three classes in the Professional Services Occupational Group and describes legal work concerned with presiding over hearings as a judge in order to resolve disputes between state agencies and persons or businesses, which arise in the course of administering applicable laws. Work includes presiding over hearings involving the presentation of evidence and arguments of attorneys, evaluating evidence, analyzing laws and regulations pertinent to the dispute, making findings of fact and conclusions of law, and issuing written decisions and orders based upon the analysis of the evidence and applicable laws and regulations. In the area of the pre-hearing or administrative magistrate functions, work includes activities such as, but not limited to, presiding over pre-hearing and settlement or mediation conferences that involve the presentation of evidence and arguments of attorneys, evaluating evidence, analyzing laws pertinent to the case, and preparing and approving settlement agreements between parties in a dispute.

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### ADMINISTRATIVE LAW JUDGE I

H5L1TX

#### CONCEPT OF CLASS

This class describes the first working level administrative law judge, administrative magistrate, or full operating pre-hearing administrative law judge assignments. This level describes positions involved in presiding over pre-hearings, motions of a wide variety, and settlement, mediation, and/or arbitration conferences, and preparing and issuing decisions and orders on cases. Decisions and orders may be subject to review by a higher-level administrative law judge or program director.

This level is designed to provide positions with experience in these assignments in order to progress to more complex judicial assignments involving the full range of merit hearings. All positions in this class

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may not necessarily progress to the next higher class as some positions may remain in these types of assignments indefinitely, such as administrative magistrate and pre-hearing administrative law judge. Specific position assignments are determined by appointing authorities.

**FACTORS**

**Allocation must be based on meeting all of the four factors as described below.**

**Decision Making** -- The decisions regularly made are at the process level, as described here. Within limits set by professional standards, the agency's available technology and resources, and the administrative hearings process and program objectives and regulations established by a higher management level, choices involve determining the process, including designing the set of operations used to complete and conduct hearings. The general pattern, program, or system exists but must be individualized to plan and hear cases. This individualization requires analysis of data that is complicated. Analysis is breaking the problem or case into parts, examining these parts, and reaching conclusions that result in processes. This examination requires the application of known and established statutes, prior court decisions, case law theory, principles, conceptual models, professional standards, and precedents in order to determine their relationship to the problem. For example, a position renders decisions and orders on cases by collecting and analyzing facts pertinent to the case, determining legal issues, and determining applicable law by researching statutes and prior cases. New processes or objectives require approval of higher judicial management or the agency with authority and accountability for the program or system.

**Complexity** -- The nature of, and need for, analysis and judgment is patterned, as described here. Guidelines exist for most situations such as general policy, legal precedent, and non-specific practices. Judgment is needed in locating and selecting the most appropriate of these guidelines, which may change for varying circumstances as the task is repeated. This selection and interpretation of guidelines involves choosing from alternatives where all are correct but one is better than another depending on the given circumstances of the situation. On a limited basis, positions may evaluate the relevance and importance of statutes and case law theories, concepts, and principles; however, per C.R.S. 8-43-207.5 they are limited to interlocutory orders, discovery matters, and evidentiary disputes not requiring adjudicatory determination through a full merit hearing.

**Purpose of Contact** --Regular work contacts with others outside the supervisory chain, regardless of the method of communication, are for the purpose of arbitrating, resolving differences, and authorizing action that directly determines the agency's mission. The result directly affects agency policy. For example, a position presides over hearings to settle disputes and renders decisions and orders that directly affect agency programs and how agency programs are carried out.

**Line/Staff Authority** --The direct field of influence the work of a position has on the organization is as an individual contributor. The individual contributor may explain work processes and train others. The individual contributor may serve as a resource or guide by advising others on how to use processes within a system or as a member of a collaborative problem-solving team. This level may include positions performing supervisory elements that do not fully meet the criteria for the next level in this factor.

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**ADMINISTRATIVE LAW JUDGE II**

H5L2XX

**CONCEPT OF CLASS**

This class describes full merit hearing assignments. Positions preside over the full range of complex administrative law hearings to settle legal disputes. Work involves deciding the merits of cases, hearing and evaluating evidence of all witnesses, analyzing laws and regulations, making findings of fact and conclusions of law, and issuing written decisions and orders to resolve cases. In addition, positions at this level may perform an appellate level of review of appealed legal decisions in the areas of worker's compensation and unemployment compensation insurance. Positions functioning at this level may determine the correctness of judges' decisions, which have been appealed. The Administrative Law Judge II differs from the Administrative Law Judge I on the Complexity factor as evidenced by the judicial findings of fact and their dispositive orders.

**FACTORS**

**Allocation must be based on meeting all of the four factors as described below.**

**Decision Making** --The decisions regularly made are at the process level, as described here. Within limits set by professional standards, the agency's available technology and resources, and the administrative hearings process and program objectives and regulations established by a higher management level, choices involve determining the process, including designing the set of operations used to complete and conduct hearings. The general pattern, program, or system exists but must be individualized to plan and hear cases. This individualization requires analysis of data that is complicated. Analysis is breaking the problem or case into parts, examining these parts, and reaching conclusions that result in processes. This examination requires the application of known and established statutes, prior court decisions, case law theory, principles, conceptual models, professional standards, and precedents in order to determine their relationship to the problem. For example, a position renders decisions and orders on cases by collecting and analyzing facts pertinent to the case, determining legal issues, and determining applicable law by researching statutes and prior cases; or, a position determines work unit processes and operations which are followed by others in order to provide administrative law services. New processes or objectives require approval of higher judicial management or the agency with authority and accountability for the program or system.

**Complexity** --The nature of, and need for, analysis and judgment is formulative, as described here. Positions evaluate the relevance and importance of statutes and case law theories, concepts, and principles in order to tailor them to develop a different approach or tactical plan to fit specific circumstances. While general policy, precedent, or non-specific practices exist, they are inadequate so they are relevant only through approximation or analogy. In conjunction with theories, concepts, and principles, positions use judgment and resourcefulness in tailoring the existing guidelines so they can be applied to particular circumstances and to deal with emergencies. For example, a position evaluates the relevance of statutes, prior court cases, legal principles, arguments, and evidence in order to render dispositive decisions on disputed legal issues.

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**Purpose of Contact** --Regular work contacts with others outside the supervisory chain, regardless of the method of communication, are for the purpose of arbitrating, resolving differences, and authorizing action that directly determines the agency's mission. The result directly affects agency policy. For example, a position presides over hearings to settle disputes and renders decisions and orders that directly affect agency programs and how agency programs are carried out.

**Line/Staff Authority** -- The direct field of influence the work of a position has on the organization is as an individual contributor. The individual contributor may explain work processes and train others. The individual contributor may serve as a resource or guide by advising others on how to use processes within a system or as a member of a collaborative problem-solving team. This level may include positions performing supervisory elements that do not fully meet the criteria for the next level in this factor.

**ADMINISTRATIVE LAW JUDGE III**

H5L3XX

**CONCEPT OF CLASS**

This class describes positions that function as a supervisor of an administrative hearings or appellate review organizational unit and are directly accountable for the work product of the unit; or serve as the manager of a regional office with limited programmatic responsibilities, such as budgeting, administrative staffing and scheduling, workflow processes, and facility and contractual arrangements. Regional managers may not have sufficient staff to meet the line/staff requirements, thus the programmatic responsibilities may be used as a tradeoff for inclusion in this class. The Administrative Law Judge III possibly differs from the Administrative Law Judge II on the Decision Making and Line/Staff Authority factors.

**FACTORS**

**Allocation must be based on meeting all of the four factors as described below.**

**Decision Making** --The decisions regularly made are at the process level, as described here. Within limits set by professional standards, the agency's available technology and resources, and the administrative hearings process and program objectives and regulations established by a higher management level, choices involve determining the process, including designing the set of operations used to complete and conduct hearings. The general pattern, program, or system exists but must be individualized to plan and hear cases. This individualization requires analysis of data that is complicated. Analysis is breaking the problem or case into parts, examining these parts, and reaching conclusions that result in processes. This examination requires the application of known and established statutes, prior court decisions, case law theory, principles, conceptual models, professional standards, and precedents in order to determine their relationship to the problem. For example, a position renders decisions and orders on cases by collecting and analyzing facts pertinent to the case, determining legal issues, and determining applicable law by researching statutes and prior cases; or, a position determines work unit processes and operations which are followed by others in order to provide administrative law

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services. New processes or objectives require approval of higher judicial management or the agency with authority and accountability for the program or system.

**OR**

**Decision Making** --The decisions regularly made are at the interpretive level, as described here. Within limits of the strategic master plan and allocated human and fiscal resources, choices involve determining tactical plans to achieve the administrative hearings program objectives established by the higher management (strategic) level. For example, a position establishes plans and daily operational policies to ensure administrative law hearings services and activities are carried out efficiently and effectively. This involves establishing what processes will be done, developing the budget requests, and developing the staffing patterns and work units in order to deploy staff. It also involves providing legal direction, advice, and guidance in the application and interpretation of statutes, rules, and regulations pertaining to state agency programs and legal procedures and proceedings. This level includes inventing and changing systems and guidelines that will be applied by others in an organizational unit such as, operating policies and guides for the delivery of administrative hearings services and work product standards. Work involves establishing what processes will be done and developing the staffing patterns and work units in order to deploy staff. By nature, this is the first level where positions are not bound by processes and operations in their own programs as a framework for decision making and there are novel or unique situations that cause uncertainties that must be addressed at this level. For example, a position develops and sets guidelines and policies, to be followed by others, pertaining to the daily operation of the work unit and delivery of administrative hearings services. Through deliberate analysis and experience with these unique situations, the manager or expert determines the systems, guidelines, and programs for the future.

**Complexity** --The nature of, and need for, analysis and judgment is formulative, as described here. Positions evaluate the relevance and importance of statutes, case law, and management theories, concepts, and principles in order to tailor them to develop a different approach or tactical plan to fit specific circumstances. While general policy, precedent, or non-specific practices exist, they are inadequate so they are relevant only through approximation or analogy. In conjunction with theories, concepts, and principles, positions use judgment and resourcefulness in tailoring the existing guidelines so they can be applied to particular circumstances and to deal with emergencies. For example, a position evaluates the relevance of statutes, case law, and management theories, concepts, and principles in order to develop tactical plans and guidelines necessary to implement and ensure the delivery of administrative law hearings services effectively.

**Purpose of Contact** --Regular work contacts with others outside the supervisory chain, regardless of the method of communication, are for the purpose of arbitrating, resolving differences, and authorizing action that directly determines the agency's mission. The result directly affects agency policy. For example, a position presides over hearings to settle disputes and renders decisions and orders that directly affect agency programs and how agency programs are carried out.

**Line/Staff Authority** -- The supervisor is accountable, including signature authority, for actions and decisions that directly impact pay, status, and tenure of three or more full-time equivalent positions, all in this series or in a comparable conceptual series. At least one of the subordinate positions must be in

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the Administrative Law Judge II class. The elements of formal supervision must include providing documentation to support recommended corrective and disciplinary actions, signing performance plans and appraisals, and resolving informal grievances. Positions start the hiring process, interview applicants, and recommend hire, promotion, or transfer.

**OR**

Positions which do not meet the full supervisory requirements in the above paragraph may be placed in this class if they meet the concept and other factors for this class including the supervision of at least one Administrative Law Judge II, provided, the Decision Making factor is evaluated at the Interpretive level.

**ENTRANCE REQUIREMENTS**

Minimum entry requirements and general competencies for classes in this series are contained in the State of Colorado Department of Personnel web site.

For purposes of the Americans with Disabilities Act, the essential functions of specific positions are identified in the position description questionnaires and job analyses.

**CLASS SERIES HISTORY**

Effective 7/1/05 (TLE/DLF). Administrative Law Judge I becomes the first working level or for assigned pre-hearing and administrative magistrate duties. Administrative Law Judge II includes the fully operational level. The work lead concept was eliminated. Administrative Law Judge III added the regional program level responsibilities as tradeoff for line/staff authority. Administrative Law Judge IV is abolished. This series (H5A2-5) converted to the H5L1-3 series. Published proposed on 1/20/05 and 5/31/05.

Effective 7/1/01 (KKF). Administrative Law Judge Intern (H5A1) abolished as part of the annual elimination of vacant classes. Published proposed on 5/10/01.

Proposed 8/1/94 (CVC). Response to system appeal of 9/1/93.

Effective 9/1/93 (CVC). Job Evaluation System Revision project. Published as proposed 06/01/93.

Revised 10/01/87. Title, relationship, nature of work, some examples of work, knowledge, skills and abilities for A7575\* Administrative Law Judge I-A, A7576\* Administrative Law Judge I-B and A7577\* Administrative Law Judge I-C. Title, relationship, nature of work, some examples of work, knowledge, skills and abilities, education and experience for A7578X Administrative Law Judge II and A7579X Administrative Law Judge III.

Revised 02/01/84. Class code, addition of option G, education and experience for A7575\* Administrative law Judge I-A, A7576\* Administrative Law Judge I-B and A7577\* Administrative Law Judge I-C. Deletion of options, nature of work, some examples of work, knowledge, skills and abilities for A7578X Administrative Law Judge II. Nature of work, some examples of work for A7579X Administrative Law Judge III.

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Revised 07/01/80. Grade and relationship for A7575\* Administrative law Judge I-A, A7576\* Administrative Law Judge I-B and A7577\* Administrative Law Judge I-C.

Revised 08/01/79. Change skill code only for A7579X Administrative Law Judge III.

Revised 06/01/78. Education and experience for A7575\* Administrative law Judge I-A, A7576\* Administrative Law Judge I-B, A7577\* Administrative Law Judge I-C, A7578X Administrative Law Judge II and A7579X Administrative Law Judge III.

Created 04/01/75. A7578X Administrative Law Judge II and A7579X Administrative Law Judge III.

Created 01/01/75. A7575\* Administrative law Judge I-A, A7576\* Administrative Law Judge I-B and A7577\* Administrative Law Judge I-C.

**SUMMARY OF FACTOR RATINGS**

<b>Class Level</b>	<b>Decision Making</b>	<b>Complexity</b>	<b>Purpose of Contact</b>	<b>Line/Staff Authority</b>
Admin. Law Judge I	Process	Patterned	Arbitrate	Indiv. Contributor
Admin. Law Judge II	Process	Formulative	Arbitrate	Indiv. Contributor
Admin. Law Judge III	Process or Interpretive	Formulative	Arbitrate	Unit Supervisor *

\*Note: Tradeoff exists; see factor definition for guidance.

ISSUING AUTHORITY: Colorado Department of Personnel & Administration