



STATE OF OREGON
POSITION DESCRIPTION

Position Revised Date:
03/12/2024

This position is:

- Classified
X Unclassified
Executive Service
Mgmt Svc - Supervisory
Mgmt Svc - Managerial
Mgmt Svc - Confidential

Agency: Department of Consumer & Business Services

Facility: Labor & Industries Building

New X Revised

SECTION 1. POSITION INFORMATION

Form with fields a-j: Classification Title (WCB Administrative Law Judge), Classification No (U7522), Effective Date (February 1, 2025), Position No (2100.162), Working Title (WCB ALJ), Agency No (44000), Section Title, Budget Auth No (224200), Employee Name, Repr. Code (UA), Work Location (Medford - Jackson), Supervisor Name (Jacqueline M. Jacobson), Position (Permanent, Full-Time), FLSA (Exempt), Eligible for Overtime (No).

SECTION 2. PROGRAM AND POSITION INFORMATION

a. Describe the program in which this position exists. Include program purpose, who's affected, size, and scope. Include relationship to agency mission.

The Department of Consumer and Business Services (DCBS) is Oregon's largest business regulatory and consumer protection agency. The department administers state laws and rules to protect consumers and workers in the areas of workers' compensation, occupational safety and health, financial services, insurance and building codes.

DCBS consists of the Workers' Compensation Division; Oregon Occupational Safety and Health Division; Division of Financial Regulation; Building Codes Division; Small Business Ombudsman; and Ombudsman for Oregon Workers. The department provides shared services to all divisions through the Director's Office and Central Services Division. The department also provides shared services to the Workers' Compensation Board. DCBS employs 950 employees and has a biennial operating budget of approximately \$685 million.

b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement. The primary purpose of this position is to:

Preside over hearings and decide complex litigated workers' compensation and Occupational Safety and Health Administration (OSHA) cases, issue written decisions, manage significant motion practice, and mediate those disputes along with other significant employment law-related matters. Cases are characterized by extensive pre-hearing discovery, highly contested litigation, large numbers of exhibits, submission of numerous legal briefs, lengthy hearings which are frequently continued for additional evidence, and analysis of conflicting expert witness testimony.

Oregon Workers' Compensation Board Administrative Law Judges (WCB ALJs) are required by statute to have a law degree (J.D.) and be members in good standing with the Oregon State Bar or the highest bar of any state or the District of Columbia. WCB ALJs have independent decision-making authority, conduct formal hearings, and issue opinions which are binding on the parties unless successfully appealed. WCB ALJs hear the evidence, make findings of fact, and apply legal analysis to decide contested cases under the workers' compensation laws of Oregon, and Oregon and Federal OSHA law. Other cases require WCB ALJs to issue Board's Own Motion Recommendations or Proposed Orders, appealable to the agency on whose behalf the WCB ALJs also hold hearings.

WCB ALJs are solely responsible for creating the evidentiary record in workers' compensation and OSHA legal proceedings. Subsequent levels of appeal are bound by the evidence admitted at hearing. The proceedings are held in formal quasi-judicial setting, which is like a trial without a jury. By Oregon statute, WCB ALJs opinions must issue no later than 30 days after the conclusion of the hearing. Some cases involve responsibility disputes, where WCB ALJs manage joinder claims of multiple insurers and/or employers throughout the litigation over extended periods of time. The vast majority of parties are represented by attorneys and the Board encourages legal representation due to the complex nature of the litigation which involves the interpretation of disputed statutory language, complex legal decisions from the Oregon Supreme Court, the Oregon Court of Appeals, the Oregon Workers' Compensation Board, numerous dense and technical expert opinions, and important public policy questions. Cases are procedurally, factually and legally complex.

SECTION 3. DESCRIPTION OF DUTIES

List the major duties of the position. State the percentage of time for each duty. Mark "N" for new duties, "R" for revised duties or "NC" for no change in duties. Indicate whether the duty is an "Essential" (E) or "Non-Essential" (NE) function.

% of Time	N/R/NC	E/NE	DUTIES
Ongoing	NC	E	<ul style="list-style-type: none"> • Perform position duties in a manner which promotes customer service and harmonious working relationships, including treating all persons courteously and respectfully. Engage in effective team participation through willingness to assist and support co-workers, supervisors, and other work-related associations. Develop good working relationships with division and agency staff and supervisors through active participation in accomplishing group projects and in identifying and resolving problems in a constructive manner. Demonstrate openness of constructive feedback and suggestions, in an effort to strengthen work performance. Contribute to a positive, respectful and productive work atmosphere. • Foster and promote the importance and value of a diverse, discrimination and harassment free workplace. Respect diversity of opinions, ideas, and cultural differences. Support outreach and diversity related efforts in order to diversify the workforce.

Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".

			<ul style="list-style-type: none"> Regular attendance is an essential function required to meet the demands of this job and to provide necessary services.
25%	R	E	<p><u>Preside over Hearings:</u> At the hearing, WCB ALJs clarify the issues and rule on objections to the admissibility of documentary evidence or witness testimony based on the Oregon Evidence Code. WCB ALJs frequently define, analyze and evaluate multiple issues at hearing that lack clarity or specificity in the law. WCB ALJs swear in lay and expert witnesses and determine credibility by evaluating the witnesses' attitude, appearance and demeanor. WCB ALJs draw on years of litigation experience and broad knowledge of the law to ensure a speedy hearing that does not curtail the many procedural and substantive rights of the parties. If the hearing is continued, WCB ALJs closely monitor post-hearing activity and rule on objections, including disputes raised during depositions of medical experts.</p>
50%	R	E	<p><u>Decide Litigated Matters and Issue Written Decisions:</u> WCB ALJs review and evaluate voluminous hearing records and testimony, including complex medical and technical documents, conflicting law and expert witness testimony, extensive oral and written legal arguments, and all relevant statutes, administrative rules and case law to determine compensability of industrial injury and occupational disease claims. WCB ALJs use logic to analyze underlying legal principals, scientific or industrial data, expert opinions, lay testimony, and legal arguments to draw conclusions. WCB ALJs determine workers' entitlement to benefits including temporary disability, permanent disability, medical services, and vocational rehabilitation services.</p> <p>WCB ALJs write comprehensive Opinion and Orders that address multiple factual and legal issues, difficult credibility questions, and competing opinions from medical or industrial experts. The decision-making process requires exhaustive, in-depth research regarding novel, case-specific issues lacking legal precedent or involving disputed statutory language that presents highly complex and sensitive issues. WCB ALJs examine and analyze conflicting medical and technical information, extensive records, testimony, and exhibits to develop a thorough understanding of the issues and facts of the case. Decisions clearly and persuasively describe the issues, find facts, and arrive at conclusions of law and opinions. These decisions must contain concise, well-reasoned, and legally sufficient explanations. Opinion and Orders are final orders that are appealable to the Oregon Workers' Compensation Board, the Oregon Court of Appeals, and ultimately the Oregon Supreme Court. WCB ALJ decisions have a significant impact on workers, employers, the public, and the law with outcomes resulting in substantial monetary awards, termination of benefits, and civil penalties.</p>
15%	R	E	<p><u>Motion Practice, Interim Rulings and Other Legal Proceedings:</u> Prior to the hearing, WCB ALJs rule on numerous motions and objections which require substantial evidentiary review and legal research. WCB ALJs quash or limit subpoenas and conduct <i>in camera</i> inspections of voluminous medical records and insurer claim file documents during the discovery process. WCB ALJs rule on motions to postpone hearings based on extraordinary circumstances. WCB ALJs also rule on motions to dismiss based on lack of subject matter jurisdiction, a</p>

			party's failure to appear, or due to settlement issues. During a hearing, a WCB ALJ will rule on motions to amend the issues, admit or exclude exhibits, admit or exclude testimony, compel production or attendance, exclude witnesses, continue, postpone or dismiss the proceedings, and recusal motions. WCB ALJs devote substantial time and energy to resolve motions in an impartial and understandable manner that promotes substantial justice, reduces litigation and the adversarial nature of the proceedings, and encourages prompt medical treatment and reasonable income benefits to injured workers consistent with the objectives of the Oregon workers' compensation system as delineated by ORS 656.012.
10%	R	NE	<u>Mediation</u> : Mediation is a voluntary process for resolving disputes by which mediators assist two or more parties to a controversy in reaching a mutually acceptable resolution. By rule, mediators must be certified after successfully completing significant requisite training in multiple subject areas. Mediators have no authority to decide the outcome of the controversy or to force settlement upon the parties. Mediators maintain impartiality toward all parties and facilitate confidential communications. Mediators have statutory authority to approve Claims Disposition Agreements in those cases they mediate. Mediators review extensive position papers from the parties and voluminous medical and technical records related to employment law and other legal issues. Mediations can include third-party claims, errors and omissions coverage disputes, adverse employment matters, and other related litigation. Mediations frequently involve the most complicated and expensive workers' compensation cases with emotionally-charged participants who require persuasive analysis and empathy to achieve successful outcomes.

SECTION 4. WORKING CONDITIONS

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

Frequent overnight travel within Oregon in all kinds of weather and road conditions. Require operation of a motor vehicle and valid driver's license. Occasional long hours. Frequent public contact.

SECTION 5. GUIDELINES

a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.

Oregon Revised Statutes, Oregon Supreme Court and Oregon Court of Appeals Reports/Opinions, Federal statutes and court reports/opinions, Oregon Workers' Compensation Board Van Natta decisions, Oregon Administrative Rules, any and all related workers compensation law, administrative and secondary materials, all other legal research material customarily used by attorneys.

b. How are these guidelines used?

One or more of these sources are consulted for every part of the WCB ALJs decision-making work activity.

SECTION 6. WORK CONTACTS

With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who Contacted	How	Purpose	How Often?
<i>Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".</i>			
Parties to Litigation (Attorneys/Insurers/Employers/Workers)	In person, phone, video, in writing	Hear and consider evidence/arguments; make informed legal decisions/rulings	Daily
Expert and Lay Witnesses	In person, phone, video, in writing	Hear and consider evidence/arguments; make informed legal decisions/rulings	Daily
General Public	In person, phone, video, in writing	Inform/Communicate	Weekly
Ombuds for Injured Workers	In person, phone, video, in writing	Inform/Communicate	Monthly
Unrepresented Workers	In person, phone, video, in writing	Inform/Communicate	Weekly
Stakeholders from other agencies	In person, phone, video, in writing	Inform/Communicate	Monthly
Medical Professionals	In person, phone, video, in writing	Inform/Communicate	Monthly

SECTION 7. POSITION RELATED DECISION MAKING

Describe the typical decisions of this position. Explain the direct effect of these decisions.

100% of duties of this position involve making independent decisions as to which party will ultimately prevail in contested Workers' Compensation and Occupational Safety and Health cases. Decisions are not subject to prior review and are final unless formally appealed. Decisions affect granting or withholding of benefits including payment of substantial private insurance funds, public funds, and assessment of substantial civil penalties. The payment of these funds have a direct effect on the benefits paid to Oregon workers, their disability, and their ability to continue working, the premiums collected from Oregon employers, and the consequences to Oregon safety and health both in the immediate case at hand and in the future.

SECTION 8. REVIEW OF WORK

Who reviews the work of the position?

Classification Title	Position Number	How	How Often	Purpose of Review
<i>Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".</i>				
Presiding Administrative Law Judge	2100.25	Review of written and oral work; survey of legal practitioners;	Annually	Determine whether WCB ALJ is in compliance with Oregon statutory requirements for performance pursuant to ORS 656.724(3)(c)
WCB Chairperson	2000.002	Review of PALJ performance review documents; Solicit input from legal practitioners	Every 4 years	Determine whether WCB ALJ is in compliance with Oregon statutory requirements for performance pursuant to ORS 656.724(3)(c)

SECTION 9. OVERSIGHT FUNCTIONS

THIS SECTION IS FOR SUPERVISORY POSITIONS ONLY

a. How many employees are directly supervised by this position? _____ 0
How many employees are supervised through a subordinate supervisor? _____ 0

- b. Which of the following activities does this position do?
- Plans work
 - Assigns work
 - Approves work
 - Responds to grievances
 - Disciplines and rewards
 - Coordinates schedules
 - Hires and discharges
 - Recommends hiring
 - Gives input for performance evaluations
 - Prepares & signs performance evaluations

SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION

ADDITIONAL REQUIREMENTS: List any knowledge and skills needed at time of hire that are not already required in the classification specification:

Must be a member of the Oregon State Bar or Bar of the highest record of any other state or the Federal Bar of the District of Columbia. May not hold any office or position of profit or pursue any other calling or vocation that will interfere with the ability of the ALJ to fully perform the duties of the ALJ’s position with the Board. May not hold a position under any political party.

These positions are eligible for hybrid remote work on a part-time basis once the incumbents have gained the proficiency to perform work independently. However, regular scheduled office hours are also required.

Special Requirements:
Position is subject to a criminal background check.

BUDGET AUTHORITY: If this position has authority to commit agency operating money, indicate the following:

Operating Area	Biennial Amount (\$00000.00)	Fund Type
<i>Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".</i>		
N/A		

SECTION 11. ORGANIZATIONAL CHART

Attach a current organizational chart. Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, employee name and position number.

SECTION 12. SIGNATURES

_____ Employee Signature _____ Date _____ Supervisor Signature _____ Date

Appointing Authority Signature

Date