

## APPEALS REFEREE

This is legal work in the Employment Security Commission conducting hearings of unemployment insurance claims appealed by claimants and employers.

Employees preside over appeals hearings in a judicial capacity, ensure that testimony and evidence are taken through correct procedures, and render a judgement that sustains, reverses, or modifies the original decision rendered by a claims adjudicator. Decisions at this level, since this is the only formal evidentiary hearing, are subject-to appeal on procedural grounds to the Commission or Superior Court. Employees also hear disputes involving cases in which a firm contests the tax liability determined by the Commission. Infrequently, employees may be called upon to act as Special Deputy Commissioners to hear cases involving unemployment insurance fraud, tax liability, and labor disputes.

### I. DIFFICULTY OF WORK:

Variety and Scope - Employees conduct hearings and write legal decisions on a limited area of employment law. Hearings include parties represented and unrepresented by legal counsel.

Intricacy - Though employees hear many routine cases, each case requires attention to procedure, assessing discriminatory practice, determining competent evidence, and grounding findings of fact in case law. Employees rule on pre-hearing motions, control hearings in progress, and dismiss or reschedule as necessary. Employees manage a high caseload with short decision-making time constraints.

Subject Matter Complexity - Work requires understanding of legal jurisprudence and theory and basic statutory and case law related to employment security. Work is characterized by ascertaining and assessing of competent evidence-and deriving legal decisions pertaining to unemployment claim disputes.

Guidelines - Employees are provided training in unemployment insurance claims process and hearing procedures. All applicable laws, commission regulations, precedent court and commission decisions guide the work. Employees are also guided by legal principles and individual judgement.

### II. RESPONSIBILITY:

Nature of Instruction - Employees independently manage their caseloads with limited instructions after training.

Nature of Review - The majority of work is not reviewed directly. The Appeals Referee Assistant Chief or Chief may annually observe one or two Hearings conducting by each Appeals Referee. cursory review of decisions is accomplished on a sample basis. Employees are primarily monitored for timeliness of decisions and by feedback to the Commission on appropriateness of judicial demeanor or complaints of unfairness.

Scope of Decisions - Decisions impact on private and public employers throughout the state, unemployed claimants, and the integrity of the North Carolina Employment Security Commission Unemployment Insurance program. Appeals to the State's higher-level courts result in expense to State taxpayers.

Consequence of Decisions - If an appeal is wrongly decided, either party will suffer substantial economic loss. Either a claimant will lose benefits or an employer's insurance rate will increase. Failure of Appeals Referees to render decisions in a timely manner could jeopardize federal funding of unemployment insurance for North Carolina.

### III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work primarily requires contact with employer management representatives, private attorneys, claimants of unemployment insurance, and commission employees.

Nature and Purpose - Contact is to gather information and facts pertaining to a hearing of appeal to the denial or granting of unemployment insurance claims. Employees may speak before employer associations and at other public meetings to increase understanding of the appeals process.

### IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a typical office or hearing room attended by disputants in person or by conference telephone. Frequent car travel to hearing sites may be required.

Hazards - Employees are not typically exposed to workplace hazards.

### V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Thorough knowledge of Employment Security Law as expressed in case, statutory, regulatory, and common law. Thorough knowledge of quasi-judicial and ESC procedures. Knowledge of the rules of evidence. Ability to perform legal research pertaining to applicable employment security law. Ability to understand and interpret constitutional provisions, statutes, administrative regulations, and precedents. Ability to analyze facts and evidence, and ability to write Findings of Facts and Memorandum of Law to render a legal decision. Ability to establish and maintain effective working relationships with claimants, employers, and their counsel.

Minimum Training and Experience Requirements - Graduation from a recognized school of law and six months of paid legal experience or post-graduate legal or hearings experience.

Minimum Training and Experience for a Trainee Appointment - Graduation from a recognized school of law.

Necessary Special Qualifications - Must be licensed to practice law in the State of North Carolina.

Special Note - This is a generalized representation of positions in this class and is not intended to identify essential functions per ADA. Examples of work are primarily essential functions of the majority of positions in this class, but may not be applicable to all positions.