

DEPUTY COMMISSIONER, INDUSTRIAL COMMISSION

This is professional legal work, presiding as a judge in trials, finding facts as a jury and applying the appropriate legal standards in written judgments in cases prosecuted under the Workers' Compensation Act, Tort Claims against State Departments and Agencies, Childhood Vaccine-Related Injury Compensation Program, and Law Enforcement Officers', Fireman's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act.

Work involves reviewing cases to determine that they are in a proper posture for trial, scheduling and sending out notices of dates and times, handling all correspondence and telephone communication regarding pre-trial issues, ruling on motions regarding cases set for trial, researching points of substantive and procedural law which are likely to arise at the trial, holding pre-trial conferences when necessary and reviewing for appropriateness any settlements which are made prior to a case coming to trial. During the course of the trial, the Deputy Commissioner sits as both judge and jury, makes evidentiary rulings throughout the trial, ensures that all facts have been disclosed and enters a binding judgment determining the liability of the parties. Work is performed independently under the administrative supervision of the Chief Deputy Commissioner, Industrial Commission and may include related duties as required.

I. DIFFICULTY OF WORK:

Variety and Scope - Primary work assignment is legal resolution of Workers' Compensation cases. Remaining assignments are in resolution of cases in other areas detailed above. In all such hearings, the employees preside over the proceedings and assure that correct procedures are followed and make binding judgments based on the findings of the hearings. In all cases, the employees must do extensive writing of orders and judgments citing legal precedent and statutory authority.

Intricacy - Work involves the analysis of legal documents, research into legal references, and research and analysis of other fields of knowledge which may have a bearing on each case. Factual situations and evidence presented in hearings must be evaluated to render a decision that is consistent with the laws involved and prevailing legal interpretations.

Subject Matter Complexity - Work requires a professional legal knowledge of the laws under which cases are filed as well as considerable expertise in a variety of fields of knowledge in order to fully understand the issues on which they must rule.

Guidelines - Guidelines include the general statutes of this state as well as case law from the appellate courts of this state, other states and the federal courts. These guidelines require analysis and interpretation in determining their application to individual situations.

II. RESPONSIBILITY:

Nature of Instructions - Cases are assigned by the Chief Deputy Commissioner, Industrial Commission with indication of priority on some cases. Within that framework, Deputy Commissioners determine work scheduling and related duties to be performed.

Nature of Review - There is no technical review of the decisions of the Deputy Commissioners once they are fully functioning in their role except by virtue of rulings being appealed to higher levels.

Scope of Decisions - Decisions can directly affect any citizens of the state as well as companies and government agencies and indirectly could affect citizens of other states in precedent-setting situations since their rulings are documented in case law.

Consequence of Decisions - Decisions have a direct and significant effect on both parties involved, including financial and emotional consequences. Decisions may have much more far-reaching consequences if they are precedent setting or, as in some Tort claims, require positive action on the part of the state to remedy or prevent further such negligence.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with individuals and companies involved in cases as well as attorneys representing both parties in these cases.

Nature and Purpose - The purpose of contacts is to gather information necessary to render a decision, to elicit cooperation and full disclosure from all parties as well as to explain and interpret the decision to parties involved.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in an office or a courtroom setting, which is often acrimonious as both parties have much at stake financially and emotionally. When traveling to any of the 100 counties in the state, the employee may be required to work additional hours and in less than ideal conditions to accommodate the caseload schedule.

Hazards - Work involves travel which subjects employee to normal driving hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Ability to analyze facts, evidence (both testimony and physical exhibits) and legal documents. Ability to express legal interpretations or conclusions of law in oral and written form. Ability to establish and maintain effective working relationships with people from diverse backgrounds. Thorough knowledge of law and courtroom procedure as well as considerable knowledge of other fields as required by the cases assigned to them. (The Deputy Commissioners do not specialize in certain occupational areas so their required knowledge of other areas varies greatly from vocational disability issues through judgment of partial or total and permanent disability, medical malpractice, negligence in any area of state government, medical causation of injuries, and the like.)

Minimum Training and Experience Requirements - Graduation from an accredited school of law and three years of legal work experience.

Necessary Special Qualification - By policy of the Commission, the Deputy Commissioner is required to have obtained a license to practice law as set forth in Rules Governing Admission to the Practice of Law and N.C.G.S. 84-24.