

**Hearing Officer 1; OR  
Assistant Attorney 1; OR  
Assistant Attorney 2; OR  
Assistant Hearing Officer**

**Announcement Posted:**

12/06/23

**Responses must be hand delivered or postmarked by:**

05/14/24

**Salary Range:**

\$93,530 - \$117,897 (Hearing Officer); **OR**  
\$65,001 (Assistant Attorney 1); **OR**  
\$72,032 (Assistant Attorney 2); **OR**  
\$79,928 (Assistant Hearing Officer)

**Locations:**

Office Of Administrative Hearings  
40 North Pearl Street  
Albany, NY 12243

Office Of Administrative Hearings  
14 Boerum Place  
Brooklyn, NY 11201

**Plus \$3,400 Location Pay**

Office Of Administrative Hearings  
50 Clinton Street  
Hempstead, NY 11550

**Plus \$3,400 Location Pay**

Office Of Administrative Hearings  
295 Main Street  
Buffalo, NY 14203

Office Of Administrative Hearings  
259 Monroe Avenue  
Rochester, NY 14607

**Grade:**

25/NS

**# of Positions:**

30

## Candidates Must Meet the Following Qualifications:

NY HELPS: This title is part of the New York Hiring for Emergency Limited Placement Statewide Program (NY HELPS).

For the duration of the NY HELPS Program, this title may be filled via a non-competitive appointment, which means no examination is required, but all candidates must meet the non-competitive minimum qualifications for this title. At this time, OTDA may recruit and hire employees by making temporary appointments. In May 2024, if a temporary NY HELPS employee is satisfactorily performing in the position, the appointment will be changed from temporary pending Civil Service Commission Action to permanent non-competitive, and the official probationary period will begin.

At a future date (within one year of permanent appointment), it is expected employees hired under NY HELPS will have their non-competitive employment status converted to competitive status, without having to compete in an examination. Employees will then be afforded all of the same rights and privileges of competitive class employees of New York State. While serving permanently in a NY HELPS title, employees may take part in any promotion examination for which they are qualified.

### NON-COMPETITIVE QUALIFICATIONS:

- **Hearing Officer 1 (SG-25):** 12 months as an Assistant Hearing Officer, or Admission to the NYS Bar and 24 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency,
- **Assistant Attorney 1 (NS equated to SG-18):** Law school graduation and/or eligibility for NYS Bar Admission,
- **Assistant Attorney 2 (NS equated to SG-20):** Admission to NYS Bar,
- **Assistant Hearing Officer (NS equated to SG-22):** 12 months as an Assistant Attorney 2, or Admission to the NYS Bar and 12 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency.

### COMPETITIVE QUALIFICATIONS:

Eligible for a lateral transfer or eligible for transfer under Section 52.6 of the Civil Service Law by having one year of permanent competitive service in an appropriate title. Information regarding transfer eligibility is available on the Civil Service Career Mobility Office website at <https://careermobilityoffice.cs.ny.gov/cmo/gotit/>.

**Please note:** Titles which require special qualifications must also meet the following criteria:

- **Hearing Officer 1 (SG-25):** 12 months as an Assistant Hearing Officer, or Admission to the NYS Bar and 24 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency,
- **Assistant Attorney 1 (NS equated to SG-18):** Law school graduation and/or eligibility for NYS Bar Admission,
- **Assistant Attorney 2 (NS equated to SG-20):** Admission to NYS Bar,
- **Assistant Hearing Officer (NS equated to SG-22):** 12 months as an Assistant Attorney 2, or Admission to the NYS Bar and 12 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency,

## Desired Competencies:

- The Office of Administrative Hearings (OAH) seeks the best candidates for positions across New York State. OAH needs decision-makers - like you - fair, impartial, and dedicated. Research shows that women and people from under-represented groups often apply to jobs only if they meet 100% of the desired competencies. We encourage you to apply even if you do not believe you meet all the desired competencies.
- OAH wants to represent every segment of New York State's population. If you are looking to make a direct impact in the lives of New York State's most vulnerable population, this might be the next role for you.
- Ideal candidates are passionate, polite, patient, have a strong academic background, and can handle a fast-paced workload. It helps to be energetic, creative, well-organized, independent, hard-working, personable, with oral advocacy and succinct writing skills. Experience with social service benefit programs is helpful but not necessary. Hearing Officers produce "signature ready" decisions after completing hearings. OAH's training program includes administrative and substantive law, writing, and how to create a full record while presiding over administrative hearings.
- Successful candidates should research OTDA and OAH before submitting cover letters and resumes. We recommend reviewing the OTDA and OAH websites, New York State Social Services Law Section 22 *et seq.*, 18 NYCRR 358 *et seq.*, *Goldberg v. Kelly*, 397 US 254 (1970), and Executive Order 131 issued by Governor Mario Cuomo on December 4, 1989.

## Duties of Position:

Hearing Officers will serve as Administrative Law Judges presiding over impartial hearings for applicants and recipients of, social services benefit programs administered by OTDA and other Executive agencies (e.g., the Department of Health's Medicaid program, the Office of Children and Family Services' foster care and childcare programs, and the Office for People with Developmental Disabilities waiver programs).

Duties include but are not limited to the following:

- Conduct hearings to review and/or decide appeals arising from agency eligibility, denial, discontinuance, reduction, and/or adequacy of social services benefit program determinations. They may also preside over hearings addressing fraud, license revocation or suspension, violations, or health and safety enforcement.
- Review fair hearing requests and determine probable issues and apply the appropriate regulations and law. They may issue, or cause to be issued, subpoenas for the attendance of witnesses and the production of necessary books, records, and other documents. They complete all assigned hearings and draft timely and accurate recommended decisions.
- During hearings, protect due process, remind parties of their rights, and maintain fairness, impartiality, and serenity. Hearing Officers may administer oaths and affirmations, elicit relevant testimony from parties, and question witnesses. They rule on various issues including objections, evidence, and adjournments. Hearing Officers review and approve settlements.
- Organize legal information and records, develop, and maintain a complete hearing record including recordings, determine credibility, apply laws, regulations, and policies to the facts and evidence and draw appropriate conclusions, analyze data, research laws, regulations, policies, and precedential decisions. Draft written opinions and decisions. Explain how parties may appeal unfavorable rulings when appropriate.
- Besides presiding over hearings and drafting recommended decisions, Hearing Officers may be

assigned to review new legislation, regulations, case law, and other developments potentially impacting social services benefit programs or administrative hearings. Hearing Officers may assist in defending lawsuits regarding hearing decisions by conducting research, drafting briefs, and other supporting documents.

## **Conditions of Employment:**

Full time permanent or temporary appointments will be made. Hearing Officers are expected to travel to various locations to conduct hearings including residences as assigned. You may be eligible to be appointed into a legal traineeship. Trainees must be admitted to practice in New York State within two years of starting the traineeship. Outside activities, including volunteer activities conducted outside work hours require permission and review by OTDA's ethics officer.

Applicants should include preferred office assignment(s) and highlight relevant legal experience, training, decision making, teamwork, and leadership in cover letters and resumes. A writing sample may be requested.

Your resume must indicate how you meet the minimum qualifications for this position. Non-specific submissions may be disqualified from further consideration if the information you provide does not meet the minimum qualifications.

## **Working for New York State:**

**THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA) IS LOOKING FOR APPLICANTS WHO ARE SEEKING A REWARDING CAREER.**

**The Office of Temporary and Disability Assistance (OTDA)** is recognized as a national leader in the field of Human Services and innovative social welfare programs. OTDA is responsible for supervising programs that provide assistance and support to eligible families and individuals.

OTDA's functions include: Providing temporary cash assistance; providing assistance in paying for food; providing heating assistance; overseeing New York State's Child Support Enforcement Program; determining certain aspects of eligibility for Social Security Disability benefits; supervising homeless housing and services programs; and providing assistance to certain immigrant populations.

Applicants and recipients of Public Assistance, Medical Assistance, SNAP, and other social services benefit programs have a right to a fair hearing if they disagree with a decision made by the state or local government agencies or their agents. OAH Hearing Officers preside over these hearings. Tens of thousands of *pro se* New Yorkers exercise their due process rights to a hearing annually.

As a New York State employee, you are afforded great fringe benefits exceeding 60% of your salary. Our comprehensive package includes:

- Health care coverage with provisions for hospitalization, medical/surgical coverage, prescription drug benefits, dental, and vision.
- Generous vacation, personal, and sick leave benefits.
- Up to thirteen paid holidays per calendar year.
- Pre-Tax Health Care.
- Voluntary enrollment in deferred compensation plans.
- Access to financial assistance for further career-related study.
- Membership in the New York State Retirement System.

Please click on the [following link](#) to get a better understanding of the position and the great benefits of working for New York State.

NYS OTDA is an Affirmative Action/Equal Opportunity Employer. We actively solicit and encourage applications from Black, Indigenous, and People of Color ("BIPOC"); LGBTQI+ individuals; women; disabled

individuals; and military veterans.

Candidates must be legally authorized to work in the United States.

Candidates currently in Law School who are expected to graduate in May of 2024 are encouraged to apply.

**Remarks:**

- **Candidates should reference posting #23-235 when submitting your application.**
- **If submitting electronically, please reference posting #23-235 as part of your subject line.**
- **If you are interested in applying to this position, please visit [how to apply](#) for applicant instructions.**