



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CHIEF, HEARINGS SECTION	44*	B	6.417

Under general direction of the State Engineer, manage the Hearings Section; coordinate, review and conduct hearings and litigation on behalf of the Division of Water Resources; prepare draft decisions for the State Engineer's review in all matters required by statute; review and hear petitions requesting reconsideration of cancelled permits; designate underground basins; respond to objections to preliminary orders during adjudication of vested rights; and prepare and conduct all other hearings authorized by statute.

Prepare for hearings by conferring with supervisor and staff of various sections involved to determine what information must be developed and presented at the hearings for a full understanding of the relevant issues; determine data to be requested from parties with standing not available to the State Engineer for introduction at hearings; organize, coordinate and optimize staff time in order to prepare for hearings.

Review highly technical engineering, scientific, geologic, and hydrologic data on file in the State Engineer's office and reduce such information to exhibits for introduction at hearings according to appropriate legal procedures.

Prepare for and conduct prehearing conferences in order to establish uncontested facts by gathering relevant information and documents from the Water Resources Division records as well as from outside sources.

Preside at hearings to ensure conformance to established rules and regulations and constitutional requirements; administer hearings of contested matters to minimize the time of hearing while developing a full, fair and complete record to ensure the final decision is based on all appropriate available information for the proper and lawful use of the waters of the State.

Establish and coordinate policies and procedures used by employees of the division in the conduct of hearings in accordance with rules, regulations and statutes; review current procedures and make recommendations to the State Engineer for future plans, directives, legislation and regulations as needed identify problems that indicate needed change or additional directions, programs, or legislation; prepare the necessary legal documents and procedures for review by the State Engineer to plan for the implementation of such needs.

Rule on and decide complex issues related to standing to participate, order of procedure, qualification of expert witnesses, and objections to proposed exhibits and testimony; exercise independent, informed judgment to ensure that all testimony and evidence needed for proper decision is put on the record; advise the State Engineer on the exercise of statutory subpoena power in the interests of developing a full and complete record.

Prepare written decisions subject to judicial review including findings of fact and conclusions of law based on the evidence obtained from technical testimony, reports and exhibits; submit to the State Engineer for review; inform the State Engineer of the current status of contested and litigated matter cases, orally and in writing.

Prepare the annual budget request for the Hearings Section based on previous year's allocated budget and current program needs; prepare requests for enhancements and provide justifications; monitor and approve expenditures.

Review recent statutes, cases and trends in water law and provide technical expertise to agency staff to ensure compliance with laws and regulations; provide information on water related statutes, case law, and legal interpretations and implementation of such interpretations; assist division employees with technical and legal issues related to appropriation, adjudication and distribution of the State's water resources.

* **Reflects a 2-grade, special salary adjustment authorized by the 2001 Legislature to improve recruitment and retention.**

Assist the Deputy Attorney General in court litigation resulting from the State Engineer's decisions; prepare the record on review for each contested decision which must be submitted to the appropriate court prior to commencement of judicial review proceedings; supplement the record to the district court on all matters pertaining to remand, including independent conduct of additional hearings and preparation of supplemental rulings.

Assist the Deputy Attorney General at court proceedings on appeals and in preparation for and during trial when prosecuting violators of decrees, adjudicating various river systems and other violations of water laws and regulations.

Represent the division in conferring, giving testimony or presentations at governmental and public forums including the Legislature, public hearings, private meetings and meetings with water resource agencies of other states and water associations (Western State Engineers, Western States Water Council); respond in writing and present the agency's position to complaints, inquiries, public information requests, and official communications; make presentations to civic groups, professional organizations, other State agencies, other regulators, representatives from other states, water users, water use groups and organizations, federal agencies and representatives and legislators; resolve misunderstandings and explain the basis for division policies and actions.

Supervise professional, technical, and clerical staff in the Hearings Section by making hiring decisions, assigning and prioritizing work, setting work schedules and tasks, and evaluating the performance of subordinate staff.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

INFORMATIONAL NOTE:

- * Any person registered as a Professional Engineer in another state must become registered as a Professional Engineer in Nevada within six months following the date of appointment as a condition of continued employment.

EDUCATION AND EXPERIENCE: Graduation from an accredited law school and two years of legal work experience in water and/or environmental law or related engineering field; **OR** Registration as a Professional Engineer (RPE) and two years of progressively responsible professional experience in water and/or environmental engineering; **OR** two years of experience working for the Nevada Division of Water Resources as a Registered Professional Engineer. (See Informational Note)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Detailed knowledge of: water related statutes and cases; applicable federal, State and local agencies and their functions; the Nevada Revised Statutes and Nevada Administrative Code regarding water law and hearings.

Working knowledge of: practical, legal and regulatory principles of water and related laws; rules of evidence and legal procedure; practical legal and regulatory principles in the water use field; legal principles, their application and legal research methods; hydraulic engineering. **Ability to:** analyze detailed hydrogeological, geological and engineering information, scientific reports and studies, and statutes for matters related to water law and regulations; mediate disputes; read and comprehend legal and highly technical and scientific documents; prioritize assignments; write analytical reports and business correspondence for individuals of various socioeconomic, cultural, and educational backgrounds; project future needs and plan accordingly; motivate others; organize and conduct special investigations and studies; train and instruct employees; interact effectively with people and resolve problems in potentially hostile situations; organize and analyze data; modify existing procedures; work with related agencies in concerted efforts; work with and supervise highly qualified technical and engineering personnel.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: management techniques; policies and interpretations governing operation and duties of Division of Water Resources. **Ability to:** apply knowledge of water and related laws in comprehensive reports or

MINIMUM QUALIFICATIONS (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job): (cont'd)
in hearings; collect evidence and prepare documentation for use in hearings or court; interpret legal requirements and apply them at hearings and otherwise; supervise staff; coordinate the work of staff with available resources and various programs.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

6.417

ESTABLISHED: 7/1/89P
 6/9/89PC
ABOLISHED: 7/1/93P
 8/31/92PC
RE-ESTABLISHED: 8/11/95UC
REVISED: 7/1/01LG
REVISED: 3/19/04PC