

## New

Ministry

Transportation and Economic Corridors

### Describe: Basic Job Details

#### Position

Position ID

Position Name (30 characters)

Adjudicator, Impaired

Requested Class

Job Focus

Operations/Program

Supervisory Level

00 - No Supervision

Agency (ministry) code

Cost Centre

Program Code: (enter if required)

#### Employee

Employee Name (or Vacant)

#### Organizational Structure

Division, Branch/Unit

Strategic and Integrated Services, SafeRoads Alberta

Current organizational chart attached?

Supervisor's Position ID

Supervisor's Position Name (30 characters)

Supervisor's Current Class

### Design: Identify Job Duties and Value

#### Job Purpose and Organizational Context

Why the job exists:

Alberta Transportation and Economic Corridors (TEC) is committed to providing a safe and efficient transportation system to support Alberta's economic, social and environmental vitality. Safety on Alberta roads is TEC's top priority as the ministry continues to work toward reducing the number of serious injuries and fatalities through a comprehensive, multi-layered approach

On December 1, 2020, Alberta introduced the Immediate Roadside Sanction (IRS) administrative penalties program to enhance road safety by enabling law enforcement to issue an IRS Notice of Administrative Penalty (NAP) when there are reasonable grounds to find an alcohol or drug-related driving contravention was committed. The SafeRoads Alberta Adjudication Branch (SafeRoads) was created at the same time to provide NAP recipients with a fair and expedient means to challenge the NAP via online adjudications that result in decisions within 30 days

SafeRoads adjudicators act as single-person tribunals to conduct fair and impartial reviews of the issued NAPs under the *Provincial Administrative Penalties Act* and associated regulations. This requires hearing both written and oral evidence, interpreting and applying legislation and common law, analyzing evidence and conducting credibility assessment, and issuing well-reasoned written decisions

SafeRoads adjudicators require exceptional critical thinking, analytical and writing abilities; excellent



communication skills; a strong sense of fairness and common sense; and the ability to work under considerable time pressure

SafeRoads adjudicators must be prepared for a high level of scrutiny as their decisions are published on the public legal database CanLII.org and are also subject to judicial review by the Alberta Court of King's Bench

In addition to the adjudication of IRS NAPs, SafeRoads adjudicators have been delegated the responsibility to:

- Consider requests for late review of IRS NAPs (as delegated by the Director of SafeRoads Alberta)
- Hear applications for relief from third-party affected persons vehicle seizures and applications for review of suspended driver vehicle seizures (as delegated by the Registrar of Motor Vehicle Services)

Reporting to the Senior Adjudicator, the Adjudicator works independently with minimal direct supervision, while at the same time working collegially and respectfully with other adjudicators and as part of an adjudication team to ensure a high degree of consistency and quality in decision-making



## Responsibilities

Job outcomes (4-6 core results), and for each outcome, 4-6 corresponding activities:

### Adjudication Activities:

Maintains current knowledge of legislation, regulations, legal principles and latest case law development

Prepares for IRS NAP reviews by reviewing law enforcement evidence, recipient submissions, including evidence and argument submitted in writing, ahead of the review, and relevant technical, scientific or medical evidence

Conducts IRS NAP reviews by addressing preliminary issues if any, analyzing evidence and conducting credibility assessments to resolve factual disputes and make findings of fact, then applying legislation and common law principles to the facts to determine the outcome of the review

Considers vehicle seizure applications for review or relief by addressing preliminary issues, if any, analyzing evidence and conducting credibility assessments to resolve factual disputes and make findings of fact, then applying legislation and common law principles to the facts to determine the outcome of the application

Complies with an adjudicator's duty of fairness by:

- Ensuring that reviews take place in a procedurally fair manner before a fair and impartial trier-of-fact
- Determining whether allegations of *Charter*-related breaches, violations of *Charter* values, or other breaches of natural justice amount to egregious or manifest unfairness warranting a remedy

Conducts oral reviews of IRS NAPs via telephone or video conferencing of up to 30 minutes duration, including hearing evidence and arguments from NAP recipients or their representatives, which may include legal counsel

Maintains a calm and professional demeanor in all situations, including in challenging or emotionally charged reviews

Assists self-represented NAP recipients with understanding and navigating the SafeRoads adjudication program

Provides clear, logical, well-written, professionally polished, detailed and cogent reasons for decision that explain the adjudicator's process of reasoning and findings of fact in a comprehensive written decision

that:

- Either confirms, cancels, or varies (i.e. reduce the occurrence level of) the recipient's NAP
- Either grants or denies the applicant's request for vehicle seizure relief or vehicle seizure review
- Either grants or denies the recipient's request for late review of their NAP

Maintains a high level of organization and attention to detail to ensure that reviews are conducted and decisions issued in a timely and responsible manner, in compliance with strict statutory deadlines

**Other Program Activities:**

Participates in weekly program meetings to discuss new or ongoing issues, case law developments and operational updates to promote consistency in decision-making and maintain a high-level of client service

Makes recommendations to improve program effectiveness and fairness of decisions

Participates in continuing education to maintain current knowledge of relevant issues, with a special focus on relevant, evolving case law

Assists in mentoring new adjudicators and peers by sharing knowledge and expertise

Assists with program data collection and reporting

Completes other duties as assigned by management

**Problem Solving**

Typical problems solved:

Typical problems or issues faced by the role include:

- The position works with a diverse and complex client population that reflects the community at large. Well-developed interpersonal and verbal and written communication skills are required to provide optimum service
- The position requires the ability to work with minimal supervision, making independent and legally binding decisions on reviews of IRS NAPs, and considerations of vehicle seizure reviews and requests for late reviews of IRS NAPs
- An adjudicator must have deep and thorough knowledge of their home legislation, the *Provincial Administrative Penalties Act*, the IRS and Seizure provisions of the *Traffic Safety Act* and associated regulations. They may also be required to be familiar with numerous other pieces of legislation and regulation, as well as case law, operational policies and manuals

The adjudicator conducts reviews in an impartial and fair manner with due consideration to all the relevant facts and the principles of natural justice

Types of guidance available for problem solving:

The adjudicator must comply with and apply their home legislation, the *Provincial Penalties Act*, IRS and seizure provisions of the *Traffic Safety Act* and associated regulations

The adjudicator has access to a wide-ranging database of decision precedents, manuals, bulletins, operational guidelines and training materials

Senior adjudicators are available for ongoing mentoring, support, consultation and training

The adjudicator may seek and access legal advice provided by Alberta Justice legal services division to senior adjudicators

The adjudicator is encouraged to engage in peer consultation and review and is provided with regular opportunities for peer discussion

The adjudicator must operate within SafeRoads Alberta policies and procedures and the Code of Conduct and Ethics for the Alberta Public Service to assist with conflict management, problem-solving, and decision-making techniques

The adjudicator will be familiar with the function, role, and operations of administrative tribunals or other administrative decision-making bodies

The level of responsibility associated with this position is significant, given the position's independent-decision function to uphold, cancel or vary IRS NAPs under review

Direct or indirect impacts of decisions:

The adjudicator's wide range of skills in judgment and decision-making plays a role in the ability to assess the strengths and weaknesses of the information presented to choose the appropriate course of action

The adjudicator's influence is key in providing meaningful feedback in the face of conflicting evidence. The adjudicator must be comfortable in performing their duties in a quasi-judicial atmosphere since their decisions are binding on recipients and applicants. This requires the adjudicator to carefully and prudently exercise these quasi-judicial duties.

It is imperative for the adjudicator to maintain neutrality and impartiality in the interest of administrative fairness, while executing their duties and representing SafeRoads Alberta

Adjudicator decisions may have an immediate impact on the lives and livelihood of recipients of a NAP or seizure notice or affected parties whose vehicles have been seized

Adjudicator decisions have an immediate impact on public, road and traffic safety for Albertans

Adjudicator decisions play a key role in maintaining public confidence in road and traffic safety and provincial drug or alcohol-related driving enforcement

### Key Relationships

Major stakeholders and purpose of interactions:

Services provided by SafeRoads adjudicators impact law enforcement, recipients of a NAP or vehicle seizure, their families, and the community at large

The adjudicator interacts with recipients and their representatives (e.g. legal counsel or agents) as well as registered owners of seized motor vehicles

Individuals seeking adjudication services are widely dispersed throughout Alberta, which increases the level of complexity and the need to be proficient in oral and written communications. as well as communication and service delivery technologies

### Required Education, Experience and Technical Competencies

Education Level	Focus/Major	2nd Major/Minor if applicable	Designation
Bachelor's Degree (4 year)	Public Administration		

If other, specify:

Job-specific experience, technical competencies, certification and/or training:

## **EDUCATION**

A university degree in a related field (i.e. Public Policy, Business Administration, Social Sciences, Public Administration, Criminal Justice or a related discipline)

Equivalencies may be considered on the basis of: 1 year of related experience for 1 year of relevant education

Certificate in Tribunal Administrative Justice is considered an asset

## **EXPERIENCE**

Progressively responsible work experience is required in the following areas:

- decision writing
- analyzing evidence and factual disputes
- making findings of fact
- interpreting and applying legislation and policy in complex situations
- writing briefings that include setting out options and making recommendations

## **KNOWLEDGE**

The position requires knowledge of a range of accepted conflict management, problem-solving and decision-making techniques

The position requires a deep understanding of applicable legislation and their associated regulations including the *Traffic Safety Act* and the *Provincial Administrative Penalties Act*

Some knowledge of the *Criminal Code* (Canada), the *Canadian Charter of Rights and Freedoms* and police procedure will also be required

SafeRoads Alberta policies and procedures

Code of Conduct and Ethics for the Alberta Public Service

Understanding the origins and consequences of work-related stress and use of coping and management skills to promote wellness

Be familiar with decision-making processes to allow for the professional handling of the review so individuals are able to present their respective evidence and arguments

Be familiar with the function, role and operations of administrative tribunals or other administrative decision making bodies

## **SKILLS**

The position calls for:

- Exceptional communication skills, including interviewing, oral, written, and active listening skills
- Ability to explain rationale and analysis clearly and concisely in written form, conveying how a recommendation or conclusion was reached

- Information gathering skills
- Interpretation and understanding of legislation, principles of natural justice and administrative law
- Critical thinking, analytical and conceptual skills
- Creativity and problem solving skills
- Judgment and decision making skills
- Conflict resolution, negotiation and mediation
- Sensitivity to confidentiality, respect and ethical behavior
- Strong organizational skills to complete the volume and complexity of assigned weekly caseloads in accordance with legislative timelines
- Report writing and recording skills
- Human relation skills (interacting with people within and/or outside the Ministry)
- Computer skills - ability to use Web-Ex and the suite of Microsoft 365 programs (Outlook, Word, Excel, PowerPoint, Teams), as well as the ability to learn future programs

### ABILITIES

The position requires the:

- Ability to use technology in the course of work duties, including conducting reviews by teleconference
- Ability to work both cooperatively as a member of a team and the ability to work independently with minimal supervision
- Ability to take action to meet deadlines and publish decisions
- Ability to multi-task and navigate many tasks calmly and effectively
- Ability to combine professional principles and ethics with practical experience to pose the right questions, and to facilitate the development of workable solutions to unique, complex problems involving multiple parties and diverse interests
- Successful completion of an adjudication training program, including passing competency tests before designation as an adjudicator

### Behavioral Competencies

Pick 4-5 representative behavioral competencies and their level.

Competency	Level					Level Definition	Examples of how this level best represents the job
	A	B	C	D	E		
Systems Thinking	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<p>Considers inter-relationships and emerging trends to attain goals:</p> <ul style="list-style-type: none"> <li>• Seeks insight on implications of different options</li> <li>• Analyzes long-term outcomes, focus on goals and values</li> <li>• Identifies unintended</li> </ul>	<p>Contributes ideas to the development of broader priorities, strategies and approaches</p> <p>Seeks information and analyzes long-term outcomes</p>

		consequences	
Agility	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Identifies and manages required change and the associated risks:</p> <ul style="list-style-type: none"> <li>• Identifies alternative approaches and supports others to do the same</li> <li>• Proactively explains impact of changes</li> <li>• Anticipates and mitigates emotions of others</li> <li>• Anticipates obstacles and stays focused on goals</li> <li>• Makes decisions and takes action in uncertain situations and creates a backup plan</li> </ul>	<p>Collaborates with peers through providing feedback on analysis</p> <p>Participates in meetings to promote consistency in decision-making and maintain a high-level of client service</p> <p>Weighs own decision-making practices to determine best course of action</p> <p>Engages with public during review proceedings and proactively addresses preliminary matters in specific reviews</p> <p>The position works with a diverse and complex client population that reflects the community at large in the context of adjudicating reviews of NAPs</p> <p>Anticipates caseload and plans accordingly to ensure statutory deadlines are met</p> <p>Makes independent decisions on matters on specific requests for review</p>

Creative Problem Solving	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Focuses on continuous improvement and increasing breadth of insight:</p> <ul style="list-style-type: none"> <li>• Asks questions to understand a problem</li> <li>• Looks for new ways to improve results and activities</li> <li>• Explores different work methods and what made projects successful; shares learning</li> <li>• Collects breadth of data and perspectives to make choices</li> </ul>	<p>Looks for ways to improve activities and results by doing something that may be new and different in the organization</p> <p>Explores different methods in how we complete our work, with a goal to achieving a more efficient and effective outcome</p> <p>Identifies several analytical techniques and sources of knowledge to break apart complex problems</p>
Build Collaborative Environments	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Facilitates open communication and leverages team skill:</p> <ul style="list-style-type: none"> <li>• Leverages skills and knowledge of others</li> <li>• Genuinely values and learns from others</li> <li>• Facilitates open and respectful conflict resolution</li> <li>• Recognizes and appreciates others</li> </ul>	<p>Demonstrates that he or she genuinely values and respects others' input and expertise and is willing to learn from others and contribute to others growth</p> <p>Encourages or facilitates conflict resolution directly by initiating open and respectful discussion of issues. Confronts and deals with inappropriate behaviours</p>
Drive for Results	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Works to exceed goals and partner with others to achieve objectives:</p> <ul style="list-style-type: none"> <li>• Plans based on past experience</li> <li>• Holds self and others responsible for results</li> <li>• Partners with groups to achieve outcomes</li> <li>• Aims to exceed expectations</li> </ul>	<p>Identifies underlying causes for success which may or may not involve self and takes action to ensure future success</p> <p>Identifies ways to exceed performance expectations. This may involve identifying potential efficiencies, different ways of working, or opportunities to contribute to the work of others</p>

### Benchmarks

List 1-2 potential comparable Government of Alberta: [Benchmark](#)