



Policies Manual

Through December 31, 2024

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STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-1**

Date: December 8, 2022

Effective Date: December 8, 2022

Re: Contract Hearing Officer Compensation, FY23

PURPOSE: To establish the standard hourly rate for contract Hearing Officers for the remainder of FY23 (through June 30, 2023).

APPLICABILITY: This rate applies to all contract Hearing Officers retained by OAH on an hourly rate basis.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For the remainder of FY23 (through June 30, 2023), non-specialized contract Hearing Officers retained by OAH shall be paid at a rate of \$150/hr., which has been determined to be a reasonable and consistent rate of compensation for such services.

Approved:

A handwritten signature in black ink, consisting of a stylized 'A' followed by a series of loops and a final flourish.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-2**

Date: December 16, 2022

Effective Date: December 16, 2022

Re: Bar Licensing and Section Memberships, OAH Hearing Officers

PURPOSE: To establish reimbursement policy for bar licensing and section membership for in-house OAH Hearing Officers.

APPLICABILITY: This applies to all Hearing Officers who are full-time employees of OAH, including the Chief and Deputy Chief.

AUTHORITY: I.C. §67-5282(1)(g) and (h)

POLICY: For the 2023 ISB renewal cycle, OAH will pay for license renewals for all in-house OAH Hearing Officers, including the Chief and Deputy Chief. Additionally, OAH will pay for membership in up to four (4) ISB sections; two (2) sections must be the Dispute Resolution and Government Sections, and the additional two (2) sections must be related to agency work.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-3**

Date: December 16, 2022

Effective Date: December 16, 2022

Re: Billing Guidelines for Contract Hearing Officers, FY23


PURPOSE: To establish billing guidelines for contract hearing officers for FY23.

APPLICABILITY: This applies to all contract hearing officers.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For the remainder of FY23 (through June 30, 2023), contract Hearing Officers shall be provided, and shall adhere to, the attached billing guidelines.

Approved:



Chief Administrative Hearing Officer

IDAHO OFFICE OF ADMINISTRATIVE HEARINGS BILLING GUIDELINES

These billing guidelines govern all bills submitted by contract Hearing Officers to the State of Idaho through the Office of Administrative Hearings. Copies of all such bills should be sent to the Office of Administrative Hearings, Attn: Billing, P.O. Box 83720, Boise ID 83720 or to general@oah.idaho.gov (please include “Billing” and case number in the subject line).

Billing Timelines

1. Bills are to be submitted monthly, no later than the 15th of each month.
2. Final bills should be submitted within 30 days after conclusion of the case/matter.

General Principles

1. Bills must be supported by time sheets and invoices, which must be provided with the bill.
2. Hours should be recorded contemporaneously, not reconstructed after the fact.
3. Only the actual hours worked may be billed. Time spent in developing a work product for another client should not be charged. You were chosen for your expertise and it is assumed such efficiencies are routine. Value should not be added to billings for such efficiencies without prior approval.
4. The only timekeeper approved for billing is the contract Hearing Officer.

Billing Format

1. Each bill should contain on its face the case/matter caption, the claim/case number (if applicable), the billing period, and the firm or attorney tax identification number. Each case/matter should be billed on a separate page.
2. Each entry must indicate the date work was performed, the hours billed, a description of the services performed, and the total amount billed for that entry. Entries should be made in chronological order.
3. Each entry should be recorded to the nearest one-tenth of an hour.
4. If several separate tasks or activities are performed on a single day, each task or activity should become a separate billing entry or, if listed together, should disclose the time spent for each such task or activity with the requisite description. Disparate activities lumped together in a single large block of time are not payable.

5. The task description should identify each task separately and in sufficient detail to permit OAH to ascertain the purpose of the task.
6. If research is performed, the purpose, topic, and related work product should be identified. It is not sufficient, for example, to state, "Legal research." An acceptable entry would state, "Legal research re: docks on navigable waters."
7. Each billing should state the date the file was opened and the total number of days to date that the file has been open.
8. The total fees and expenses for the current billing period and the total fees and expenses billed to date on the case/matter should be separately included on the summary page.

Unreimbursable Expenses

The following expenses are considered normal overhead and are not reimbursed unless they are extraordinary in nature and are approved in advance.

1. Secretarial, clerical or word processing services (regardless of whether the services are normal, temporary or overtime).
2. Other charges for support staff, e.g., meals, filing, proofreading.
3. Computer time.
4. Office supplies.
5. Local telephone calls or local facsimile transmissions.
6. Postage.
7. In-town meals.
8. Amenities (on road) such as entertainment, dry cleaning, reading materials, and alcoholic beverages.
9. Time spent preparing billings or reviewing disputed billings.

Reimbursable Expenses

The following expenses are reimbursable. They should be itemized and charged at actual cost without markup. Invoices and/or receipts should be accessible to the client upon request.

1. Travel time is to be billed at one-half of the attorney's contract billing rate. Travel time may not be billed if it is used for work for another matter or another client of the contract hearing officer.
2. Other travel costs will be reimbursed consistent with the State Travel Policy. <https://www.sco.idaho.gov/LivePages/state-travel-policy-and-procedures.aspx>
3. Air transportation costs and lodging will be reimbursed, but must be approved prior to booking.
4. Other travel expenses (e.g., car rental, taxis, parking) at cost.

Deviations from Guidelines

If, in your judgment, it is necessary to deviate from the above guidelines, pre-approval must be obtained.



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-4**

Date: December 30, 2022

Effective Date: December 30, 2022

Re: Preferred Referral Pool

PURPOSE: To establish a preferred referral pool for recommendations to agencies for potential hearing officers for matters not handled by OAH.

APPLICABILITY: This applies to individuals placed in the Preferred Referral Pool.

AUTHORITY: I.C. §67-5280(2)(b)

POLICY: For permissive matters under I.C. §67-5280(2)(b), OAH is permitted to conduct such proceedings if "agreed to." Where OAH is unable to "agree to" provide such services (due to, e.g., conflicts, caseload, budget, etc.), a Preferred Referral Pool will exist to provide suggestions to the requesting agency for a hearing officer who the agency may directly contract with to provide such services. Such Preferred Referral Pool shall be comprised of all current members of the Contract Hearing Officer Pool, as well as such other individuals otherwise designated in the sole discretion of the Chief Administrative Hearing Officer. As such individuals are not OAH hearing officers, they will receive no compensation or reimbursement of any kind from OAH, nor are they subject to the qualifications required of OAH hearing officers. Agencies retaining such individuals from the Preferred Referral Pool shall be solely responsible for determining the qualifications for, and compensating, any such individuals.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line extending to the right.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-5**

Date: December 30, 2022

Effective Date: December 30, 2022

Re: Conference Rooms

PURPOSE: To establish general guidelines regarding the location of in-person hearings by OAH hearing officers.

APPLICABILITY: This applies to all in-house and contract hearing officers.

AUTHORITY: I.C. §67-5282(1)(d), §67-5282(1)(g), and §67-5282(1)(h)

POLICY: Absent extenuating circumstances and advance approval by the Chief Administrative Hearing Officer or their designee, in-person hearings in contested case proceedings shall not be held in conference rooms at the agency involved in the proceedings, or otherwise at conference rooms used by a single agency. Instead, in-person hearings should be held at non-agency-specific "neutral" locations, such as conference rooms available for reservation through the Department of Administration at the Capitol Mall or Chinden locations, or, when established, at conference room(s) at OAH facilities. OAH will otherwise maintain a list of approved locations as they are identified, including locations outside of the Treasure Valley.

Approved:

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **22-6**

Date: December 30, 2022

Effective Date: December 30, 2022

Re: Acceptance and Assignment Benchmarks

PURPOSE: To establish benchmarks for acceptance of new matters and assignment of matters to hearing officers.

APPLICABILITY: This applies to all in-house OAH personnel.

AUTHORITY: I.C. §67-5282(1)(d) and §67-5282(1)(h)

POLICY: The following are established as quality-control benchmarks:

- Acceptance of assignment of mandatory proceeding – Within one (1) business day of an agency's transmittal of a mandatory proceeding (I.C. §67-5280(2)(a)), OAH will notify the agency of receipt and acceptance of the assignment.
- Response to request for permissive proceeding – Within three (3) business days of an agency's transmittal of a permissive proceeding (I.C. §67-5280(2)(b)), OAH will notify the agency of receipt of the request, and acceptance or refusal of the assignment.
- Assignment of proceeding – Within one (1) business day of OAH's receipt of needed case and party information following acceptance of an assignment, OAH will internally assign the matter to a hearing officer. Within one (1) business day after either assignment to an in-house officer or acceptance of the assignment by a contract hearing officer, OAH will issue a Notice of Assignment to the parties designating the handling hearing officer.

A record of the time for acceptance and assignment of each new proceeding sent to OAH after January 3, 2023 will be maintained by OAH Staff, and will be deemed part of the "system for monitoring the quality of contested case proceedings and such other proceedings as are conducted by the office of administrative hearings".

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-1**

Date: January 12, 2023

Effective Date: January 12, 2023

Re: Use of artificial intelligence

PURPOSE: To prohibit, on an interim basis, the use of artificial intelligence (AI) by Hearing Officers in preparing orders (including, but not limited to, preliminary orders, recommended final orders, and/or proposed final orders).

APPLICABILITY: All in-house and contract Hearing Officers.

AUTHORITY: I.C. §67-5201(21)(b)(i) & (iii); §67-5282(1)(f), (g), & (h)

POLICY: Hearing Officers, whether in-house or contract, are prohibited from utilizing artificial intelligence and/or chatbots (including, but not limited to, ChatGPT) in drafting, finalizing, or otherwise preparing orders to be issued by the Hearing Officer, including, but not limited to, preliminary orders, recommended final orders, and/or proposed final orders. This policy is interim in nature, until such time as the Code of Conduct is updated to address the use of artificial intelligence in such drafting.

Approved:

A handwritten signature in black ink, consisting of a large loop followed by a series of strokes, is written over a horizontal line.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-2**

Date: January 12, 2023

Effective Date: January 12, 2023

Re: Dress Code

PURPOSE: To establish a dress code for in-house Hearing Officers and contract Hearing Officers while presiding over proceedings for the Office of Administrative Hearings.

APPLICABILITY: All in-house and contract Hearing Officers.

AUTHORITY: I.C. §67-5201(21)(b)(i) & (iii); §67-5282(1)(d) & (h)

POLICY: Hearing Officers are expected to dress in business or business casual attire while conducting hearings, including hearings that are conducted remotely. The use of black robes or similar attire that imply judicial authority over the proceedings is not permitted.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-3**

Date: January 20, 2023

Effective Date: January 20, 2023

Re: Use of facsimile machines

PURPOSE: To establish, on an interim basis, guidelines regarding the use of facsimile machines (hereinafter "fax machines")

APPLICABILITY: All in-house and contract Hearing Officers, and OAH Staff

AUTHORITY: I.C. §§67-5282(a), (d), & (h)

POLICY: With respect to the use of fax machines:

1. The Office of Administrative Hearings (hereinafter "OAH"), and hearing officers employed thereby, shall not use fax machines, either for the transmission or receipt of any documents or correspondence of any kind regarding any contested case proceeding in which an OAH-employed hearing officer presides; and
2. Hearing officers who are contracted with OAH may utilize fax machines in cases over which they preside in their sole discretion. However, as to any communications or transmissions between OAH and contract hearing officers, no fax machine use is permitted.

This policy is interim in nature, and will remain in effect until such time as OAH promulgates rules in accord with I.C. §67-5282(2)(c).

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'Z' or 'G' shape followed by a horizontal line.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-4**
Date: January 27, 2023
Effective Date: January 27, 2023
Re: Personnel Policies

PURPOSE: To establish, on an interim basis, personnel policies that apply to all OAH employees.

APPLICABILITY: All OAH employees.

AUTHORITY: I.C. §67-5282(1)(a) & (d)

POLICY: Until such time as this policy is withdrawn, all model policies of the Idaho Division of Human Resources will apply to all employees of the Office of Administrative Hearings.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a diagonal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-5**

Date: March 31, 2023

Effective Date: March 31, 2023

Re: Mediator/Arbitrator Rosters

PURPOSE: To establish standards for OAH mediators and arbitrators, and to establish rosters for contract mediators and arbitrators.

APPLICABILITY: All OAH mediators and arbitrators (in-house and contract).

AUTHORITY: I.C. §§ 67-5280(2)(b), & -5282(1)(a),(d), & (i)

POLICY: Separate rosters will be created for mediators and arbitrators (both in-house and contract). Details for each such roster, including minimum and ongoing training requirements, are as follows:

Mediator roster:

- Contract rate: \$185/hr.
- Minimum requirements/training: Mediators must initially meet all statutory hearing officer requirements. Prior to addition to the roster, mediators must complete a 40-hour mediation training course from an accredited college or university, the Idaho State Bar, the Idaho Mediation Association, or the Society of Professionals in Dispute Resolution.
- Ongoing training: To remain on the mediation roster, no later than December 31, 2026, and for every three years thereafter, proof of completion of a minimum of five (5) hours of additional training or education during the preceding three (3) calendar years on one of the following topics: mediation, conflict management, negotiation, interpersonal communication, conciliation, dispute resolution or facilitation. This training shall be acquired by completing a program approved by an accredited college or

university or by one of the following organizations: Idaho State Bar, or its equivalent from another state; Idaho Mediation Association, or its equivalent from another state; Society of Professionals in Dispute Resolutions; American College of Civil Trial Mediators; Northwest Institute for Dispute Resolution; Institute for Conflict Management; the National Academy of Distinguished Neutrals; or any mediation training provided by the federal courts. For contract mediators, this requirement may be satisfied by proof of current listing on the Idaho Supreme Court's Civil Case Mediator list.

- Roster: The mediator roster will be maintained as a public webpage, to allow agencies to select a mediator of their choice if requested, as permitted by I.C. § 67-5284.

Arbitrator roster:

- Contract rate: \$185/hr.
- Minimum requirements/training: Arbitrators must initially meet all statutory hearing officer requirements. Prior to addition to the roster, arbitrators must complete a minimum of 6 hours of arbitration-specific training from an accredited college or university, the Idaho State Bar, the Idaho Mediation Association, the Society of Professionals in Dispute Resolution, the American Bar Association, the American Arbitration Association, or the Judicial Arbitration and Mediation Services, Inc. (JAMS).
- Ongoing training: To remain on the arbitration roster, no later than December 31, 2026, and for every three years thereafter, proof of completion of a minimum of five (5) hours of additional training or education during the preceding three (3) calendar years in arbitration-specific topic areas. This training shall be acquired by completing a program approved by an accredited college or university or by one of the following organizations: Idaho State Bar, or its equivalent from another state; Idaho Mediation Association, or its equivalent from another state; Society of Professionals in Dispute Resolutions; American College of Civil Trial Mediators; Northwest Institute for Dispute Resolution; Institute for Conflict Management; the National Academy of Distinguished Neutrals; the American Bar Association; the American Arbitration Association; the Judicial Arbitration and Mediation Services, Inc. (JAMS); or any arbitration training provided by the federal courts.
- Roster: The arbitrator roster will be maintained internally.

Approved:



Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-6**

Date: March 31, 2023

Effective Date: March 31, 2023

Re: Education/Training Requirements

PURPOSE: To establish standards for OAH hearing officers (in-house and contract) for initial and ongoing education and training.

APPLICABILITY: All OAH mediators and arbitrators (in-house and contract).

AUTHORITY: I.C. §67-5280(2)(b), & -5282(1)(a), (d), & (g)

POLICY: Training and education requirements for all OAH hearing officers (in-house and contract) shall address conduct, civility, and ethics topics as follows:

In-house hearing officers: In-house hearing officers shall be required to complete training and education as following:

- Initial training/education – Except as otherwise authorized by the Chief Administrative Hearing Officer, in-house hearing officers shall complete the following training/education within one (1) year of their hire date:
 - An in-person course for new administrative judges, not less than 7 days, as may be designated by the Chief Administrative Hearing Officer.
 - A 40-hour mediation training course.
 - A total of 6 hours of arbitration training courses.
 - Self-study of CLE materials regarding the OAH Code of Conduct.
- Ongoing training/education – Except as otherwise authorized by the Chief Administrative Hearing Officer, in-house hearing officers shall attend (either as presenter or attendee) quarterly CLEs presented by OAH. Additionally, in-house hearing officers

shall comply with ongoing training/education requirements for mediators and arbitrators as set forth in Policy 23-5.

- Other – Any other training/education courses identified from time to time by the Chief Administrative Hearing Officer, including, but not limited to, CLEs on salient administrative law issues and/or OAH-initiated After Action Reviews.

Contract hearing officers: Contract hearing officers shall be required to complete training and education as following:

- Initial training/education – Except as otherwise authorized by the Chief Administrative Hearing Officer, contract hearing officers shall complete the following training/education within three (3) months of their first contract date:
 - Self-study of CLE materials regarding the OAH Code of Conduct.
- Ongoing training/education – Contract hearing officers shall attend quarterly CLEs presented by OAH if, at the time of such presentation, the contract hearing officer is handling an active case.
- Other – Any other training/education courses identified from time to time by the Chief Administrative Hearing Officer, including, but not limited to, CLEs on salient administrative law issues and/or OAH-initiated After Action Reviews.

Approved:



Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-7**

Date: April 10, 2023

Effective Date: April 10, 2023

Re: Mandatory recusals/disclosures based upon prior agency interactions

PURPOSE: To establish uniform in-house and contract hearing officer policies for mandatory recusal and to ensure that parties are provided with sufficient relevant and timely information for a Rule 412 disclosure prior to commencing the time period for a for-cause disqualification.

APPLICABILITY: All in-house and contract Hearing Officers. This Policy does not impact any existing proceedings as of the Effective Date of this Policy, and instead only addresses new proceedings assigned to OAH on or after the Effective Date.

AUTHORITY: I.C. §67-5252(5); §67-5282(1)(b), (d), (f), & (h); IRAP 04.11.01.412

POLICY: Hearing Officers who are appointed to serve as a hearing officer in an agency proceeding for an agency that they have previously represented or been adverse to shall disqualify themselves and/or disclose to the parties such prior agency interaction as follows:

- **Less than 6 months: mandatory non-appointment/recusal.** Hearing Officers, whether in-house or contract, shall not be appointed, or shall otherwise recuse themselves if appointed, to handle a matter with an agency that they represented or were adverse to within the **six (6) months** prior to appointment.
- **6 months to 2 years: mandatory disclosure.** Hearing Officers, whether in-house or contract, shall disclose at the initial scheduling conference or the first appearance before the parties, that the Hearing Officer has previously represented or been adverse to the agency before which the proceeding is being held within the **two (2) years** prior to appointment, and state on the

record whether there is a basis, in the Hearing Officer's mind, for a recusal. The fourteen-day period for a party to seek a for-cause disqualification pursuant to Idaho Code Section 67-5252(5) and/or Rule 412 does not begin to run until such disclosure.

- More than 2 years: optional disclosure. Hearing Officers who have not represented or been adverse to the agency before which the proceeding is being held with the two (2) years prior to appointment are not required to disclose such prior agency interaction(s) with the parties to the proceeding. However, Hearing Officers must still comply with all other governing guidelines governing disclosures and recusals, including, but not limited to, OAH's Code of Conduct for Administrative Hearing Officers (to include, e.g., Canon 2.11, "Disqualifications").

Approved:



Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-8**

Date: June 20, 2023

Effective Date: July 1, 2023

Re: Contract Hearing Officer Compensation, FY24

PURPOSE: To establish the standard hourly rate for contract Hearing Officers for FY24 (July 1, 2023 through June 30, 2024).

APPLICABILITY: This rate applies to all contract Hearing Officers retained by OAH on an hourly rate basis.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For FY24 (July 1, 2023 through June 30, 2024), contract Hearing Officers retained by OAH shall be paid at a rate of \$185/hr., which has been determined to be a reasonable and consistent rate of compensation for such services.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-9**

Date: June 20, 2023

Effective Date: June 20, 2023

Re: Bar Licensing and Section Memberships, OAH
Hearing Officers, FY24

PURPOSE: To establish reimbursement policy for bar licensing and section membership for in-house OAH Hearing Officers for FY24.

APPLICABILITY: All Hearing Officers who are full-time employees of OAH, including the Chief and Deputy Chief.

AUTHORITY: I.C. §67-5282(1)(g) and (h)

POLICY: For the 2024 ISB renewal cycle, OAH will pay for license renewals for all in-house OAH Hearing Officers, including the Chief and Deputy Chief. Additionally, OAH will pay for membership in up to four (4) ISB sections; two (2) sections must be the Dispute Resolution and Government Sections, and the additional two (2) sections must be related to agency work.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-10**

Date: June 20, 2023

Effective Date: July 1, 2023

Re: Billing Guidelines for Contract Hearing Officers, FY24


PURPOSE: To establish billing guidelines for contract hearing officers for FY24.

APPLICABILITY: All contract hearing officers.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For FY24 (July 1, 2023 through June 30, 2024), contract hearing officers shall be provided, and shall adhere to, the attached billing guidelines, if not previously provided to them. Updated billing guidelines shall be provided to currently-contracted hearing officers upon adoption.

Approved:



Chief Administrative Hearing Officer

IDAHO OFFICE OF ADMINISTRATIVE HEARINGS BILLING GUIDELINES

These billing guidelines govern all bills submitted by contract Hearing Officers to the State of Idaho through the Office of Administrative Hearings. Copies of all such bills should be sent to the Office of Administrative Hearings, Attn: Billing, P.O. Box 83720, Boise ID 83720 or to general@oah.idaho.gov (please include “Billing” and case number in the subject line).

Billing Timelines

1. Bills are to be submitted monthly, no later than the 15th of each month.
2. Final bills should be submitted within 30 days after conclusion of the case/matter.

General Principles

1. Bills must be supported by time sheets and invoices, which must be provided with the bill.
2. Hours should be recorded contemporaneously, not reconstructed after the fact.
3. Only the actual hours worked may be billed. Time spent in developing a work product for another client should not be charged. You were chosen for your expertise and it is assumed such efficiencies are routine. Value should not be added to billings for such efficiencies without prior approval.
4. The only timekeeper approved for billing is the contract Hearing Officer.

Billing Format

1. Each bill should contain on its face the case/matter caption, the claim/case number (if applicable), the billing period, and the firm or attorney tax identification number. Each case/matter should be billed on a separate page.
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3. Each entry should be recorded to the nearest one-tenth of an hour.
4. If several separate tasks or activities are performed on a single day, each task or activity should become a separate billing entry or, if listed together, should disclose the time spent for each such task or activity with the requisite description. Disparate activities lumped together in a single large block of time are not payable.

5. The task description should identify each task separately and in sufficient detail to permit OAH to ascertain the purpose of the task.
6. If research is performed, the purpose, topic, and related work product should be identified. It is not sufficient, for example, to state, "Legal research." An acceptable entry would state, "Legal research re: docks on navigable waters."
7. Each billing should state the date the file was opened and the total number of days to date that the file has been open.
8. The total fees and expenses for the current billing period and the total fees and expenses billed to date on the case/matter should be separately included on the summary page.

Unreimbursable Expenses

The following expenses are considered normal overhead and are not reimbursed unless they are extraordinary in nature and are approved in advance.

1. Secretarial, clerical or word processing services (regardless of whether the services are normal, temporary or overtime).
2. Other charges for support staff, e.g., meals, filing, proofreading.
3. Computer time.
4. Office supplies.
5. Local telephone calls or local facsimile transmissions.
6. Postage.
7. In-town meals.
8. Amenities (on road) such as entertainment, dry cleaning, reading materials, and alcoholic beverages.
9. Time spent preparing billings or reviewing disputed billings.

Reimbursable Expenses

The following expenses are reimbursable. They should be itemized and charged at actual cost without markup. Invoices and/or receipts should be accessible to the client upon request.

1. Travel time is to be billed at one-half of the attorney's contract billing rate. Travel time may not be billed if it is used for work for another matter or another client of the contract hearing officer.
2. Other travel costs will be reimbursed consistent with the State Travel Policy. <https://www.sco.idaho.gov/LivePages/state-travel-policy-and-procedures.aspx>
3. Air transportation costs and lodging will be reimbursed, but must be approved prior to booking.
4. Other travel expenses (e.g., car rental, taxis, parking) at cost.

Deviations from Guidelines

If, in your judgment, it is necessary to deviate from the above guidelines, pre-approval must be obtained.



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-11**

Date: June 20, 2023

Effective Date: June 20, 2023

Re: Contract Hearing Officer Pool Retention and Updating

PURPOSE: To establish a procedure for the ongoing maintenance of the contract hearing officer pool, to include retention of existing contract hearing officers and updating of contract hearing officer information to confirm eligibility.

APPLICABILITY: All contract Hearing Officers.

AUTHORITY: I.C. §67-5282(1)(d) & (i)

POLICY: Contract hearing officers in the contract hearing officer pool as of July 1, 2023, will be deemed to be continuing members of the pool, absent a request to be removed from the contract hearing officer pool or upon removal by the Chief Administrative Hearing Officer as he may deem appropriate. OAH will confirm active license status for all members of the contract hearing officer pool during July 2023, to confirm ongoing eligibility to remain in the contract hearing officer pool.

Nothing in this policy limits in any way the Chief Administrative Hearing Officer's statutory authority to retain and/or remove contract hearing officers at any time as he may deem appropriate, nor otherwise alter the terms of any agreement between OAH and a contract hearing officer.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-12**

Date: July 12, 2023

Effective Date: July 12, 2023

Re: AI Disclosures

PURPOSE: To authorize and standardize AI disclosure statements, in the hearing officer's discretion.

APPLICABILITY: All in-house and contract Hearing Officers.

AUTHORITY: I.C. §67-5282(1)(g) & (h)

POLICY: In accord with IRAP 510 regarding prehearing conferences' objectives to "establish procedure at hearings" and "addressing other matters that may expedite orderly conduct and disposition of the proceeding," hearing officers are permitted to request disclosure statements from parties (whether represented or self-represented) regarding the use of artificial intelligence in the preparation of briefing and other written submissions. The decision whether to request such disclosure statements, and for which submissions, is solely within the discretion of the hearing officer.

The recommended AI disclosure language is as follows:

I certify that no portion of this filing has been drafted by generative artificial intelligence, or otherwise that any language drafted by generative artificial intelligence contained herein—including quotations, citations, paraphrased assertions, and legal analysis—has been checked for accuracy, using print reporters or traditional legal databases, by a human being before it has been submitted to the Hearing Officer. I understand that by signing this filing, I am responsible for the contents herein, regardless of whether generative artificial intelligence drafted any portion of this filing.

Alternatively, hearing officers, in their sole discretion, may elect to preemptively include a provision regarding the use of artificial intelligence in any order to the parties, substantially providing the same directive regarding the use of artificial intelligence. The recommended language is as follows:

Use of Generative Artificial Intelligence: No portion of any filing in this matter will be drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—unless it has been checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Hearing Officer. Any party who signs any filing in this case will be held responsible for the contents thereof, regardless of whether generative artificial intelligence drafted any portion of that filing.

Approved:

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **23-13**

Date: September 27, 2023

Effective Date: September 27, 2023

Re: Recording policy

PURPOSE: To improve quality control measures over the recordings at administrative hearings and improve the system for monitoring hearings.

APPLICABILITY: All hearing officers.

AUTHORITY: I.C. §§ 67-5242(3)(d); -5282(h); IDAPA 04.11.01.651

POLICY: All evidentiary hearings are required to be recorded in a manner that recites substantially verbatim a person's oral testimony. To ensure compliance with the statutory requirement that all evidentiary hearings be recorded, the hearing officer shall utilize the services of a court reporter or cause the hearing to be recorded by other means. All hearing officers are to verify that a recording at the evidentiary hearing was accurate and complete within 10 business days of the hearing. If a recording fails such that no recording exists of the evidentiary hearing (either by way of audio recording, video recording, and/or court reporter recording), the hearing officer shall immediately confer with the parties to determine if waiver of the recording requirement is agreed to, or whether to re-open the record and re-conduct the hearing as quickly as possible.

All other hearings should also be recorded, either by audio or remote recording. All hearing officers are to verify that a recording of the hearing was accurate and complete within 3 business days of the hearing. If a recording fails such that no recording exists of the hearing, the hearing officer should create a "Hearing Minutes" order notifying the parties that no recording was made of the hearing, but otherwise setting forth the results of such hearing.

Approved:



Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **24-1**

Date: July 11, 2024

Effective Date: July 15, 2024

Re: Clean desk policy

PURPOSE: To establish a clean desk procedure to protect case materials, case confidentiality, and to increase confidence within the Office of Administrative Hearings

APPLICABILITY: This applies to all employees and legal externs of OAH, including the Chief and Deputy Chief.

AUTHORITY: I.C. §67-5282(1)(d), §67-5282(1)(f), §67-5282(1)(h)

POLICY: OAH is committed to protecting the confidentiality of non-public information in its possession, including confidential Personally Identifiable Information, Protected Health Information, and confidential Personnel Information, consistent with State and Federal laws.

The purpose of this policy is to establish a “clean desk” policy when an individual is away from his/her workstation for an extended period of time, working remotely, or working from a place other than his/her primary workstation to protect confidential information and not expose that information to individuals who should not have access to that information.

All employees and legal externs should observe the “clean desk” rule and ensure that case information is protected by either placing case information in a non-public/visible area (i.e., within a drawer, or appropriately covered while on a desk), closing/locking computer screens when necessary, or, if needed due to a significant volume of documents, locking your office door to prevent access.

This policy will be interpreted at the discretion of the Chief Administrative Hearing Officer, and may be modified as needed to protect confidential information.

Approved:



Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **24-2**

Date: July 18, 2024

Effective Date: July 18, 2024

Re: Contract Hearing Officer Compensation, FY25

PURPOSE: To establish the standard hourly rate for contract Hearing Officers for FY25 (July 1, 2024 through June 30, 2025).

APPLICABILITY: This rate applies to all contract Hearing Officers retained by OAH on an hourly rate basis.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For FY25 (July 1, 2024 through June 30, 2025), contract Hearing Officers retained by OAH shall be paid at a rate of \$185/hr. for time billed during FY25, which has been determined to be a reasonable and consistent rate of compensation for such services.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a diagonal stroke.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **24-3**

Date: July 18, 2024

Effective Date: July 18, 2024

Re: Billing Guidelines for Contract Hearing Officers, FY25

PURPOSE: To establish billing guidelines for contract Hearing Officers for FY25 (July 1, 2024 through June 30, 2025).

APPLICABILITY: All contract hearing officers.

AUTHORITY: I.C. §67-5282(1)(i)

POLICY: For FY25 (July 1, 2024 through June 30, 2025), contract Hearing Officers shall be provided, and shall adhere to, the attached billing guidelines, if not previously provided to them, which billing guidelines shall govern the submission of all time billed during FY25. Any updated billing guidelines created during FY25 shall be provided to currently-contracted hearing officers upon adoption.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a small dot.

Chief Administrative Hearing Officer

IDAHO OFFICE OF ADMINISTRATIVE HEARINGS BILLING GUIDELINES

These billing guidelines govern all bills submitted by contract Hearing Officers to the State of Idaho through the Office of Administrative Hearings. Copies of all such bills should be sent to the Office of Administrative Hearings, Attn: Billing, P.O. Box 83720, Boise ID 83720 or to general@oah.idaho.gov (please include “Billing” and case number in the subject line).

Billing Timelines

1. Bills are to be submitted monthly, no later than the 15th of each month.
2. Final bills should be submitted within 30 days after conclusion of the case/matter.

General Principles

1. Bills must be supported by time sheets and invoices, which must be provided with the bill.
2. Hours should be recorded contemporaneously, not reconstructed after the fact.
3. Only the actual hours worked may be billed. Time spent in developing a work product for another client should not be charged. You were chosen for your expertise and it is assumed such efficiencies are routine. Value should not be added to billings for such efficiencies without prior approval.
4. The only timekeeper approved for billing is the contract Hearing Officer.

Billing Format

1. Each bill should contain on its face the case/matter caption, the claim/case number (if applicable), the billing period, and the firm or attorney tax identification number. Each case/matter should be billed on a separate page.
2. Each entry must indicate the date work was performed, the hours billed, a description of the services performed, and the total amount billed for that entry. Entries should be made in chronological order.
3. Each entry should be recorded to the nearest one-tenth of an hour.
4. If several separate tasks or activities are performed on a single day, each task or activity should become a separate billing entry or, if listed together, should disclose the time spent for each such task or activity with the requisite description. Disparate activities lumped together in a single large block of time are not payable.

5. The task description should identify each task separately and in sufficient detail to permit OAH to ascertain the purpose of the task.
6. If research is performed, the purpose, topic, and related work product should be identified. It is not sufficient, for example, to state, "Legal research." An acceptable entry would state, "Legal research re: docks on navigable waters."
7. Each billing should state the date the file was opened and the total number of days to date that the file has been open.
8. The total fees and expenses for the current billing period and the total fees and expenses billed to date on the case/matter should be separately included on the summary page.

Unreimbursable Expenses

The following expenses are considered normal overhead and are not reimbursed unless they are extraordinary in nature and are approved in advance.

1. Secretarial, clerical or word processing services (regardless of whether the services are normal, temporary or overtime).
2. Other charges for support staff, e.g., meals, filing, proofreading.
3. Computer time.
4. Office supplies.
5. Local telephone calls or local facsimile transmissions.
6. Postage.
7. In-town meals.
8. Amenities (on road) such as entertainment, dry cleaning, reading materials, and alcoholic beverages.
9. Time spent preparing billings or reviewing disputed billings.

Reimbursable Expenses

The following expenses are reimbursable. They should be itemized and charged at actual cost without markup. Invoices and/or receipts should be accessible to the client upon request.

1. Travel time is to be billed at one-half of the attorney's contract billing rate. Travel time may not be billed if it is used for work for another matter or another client of the contract hearing officer.
2. Other travel costs will be reimbursed consistent with the State Travel Policy. <https://www.sco.idaho.gov/LivePages/state-travel-policy-and-procedures.aspx>
3. Air transportation costs and lodging will be reimbursed, but must be approved prior to booking.
4. Other travel expenses (e.g., car rental, taxis, parking) at cost.

Deviations from Guidelines

If, in your judgment, it is necessary to deviate from the above guidelines, pre-approval must be obtained.



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **24-4**

Date: July 18, 2024

Effective Date: July 18, 2024

Re: Bar Licensing and Section Memberships, FY25

PURPOSE: To establish policy for bar licensing and section membership for in-house OAH administrative law judges ("ALJ") for FY25 (July 1, 2024 through June 30, 2025).

APPLICABILITY: All administrative law judges who are full-time employees of OAH, including the Chief and Deputy Chief.

AUTHORITY: I.C. §67-5282(1)(g) & (h)

POLICY: For the 2025 ISB renewal cycle, OAH will pay for ISB license renewals for all in-house OAH ALJs, including the Chief and Deputy Chief. Additionally, OAH will pay for membership in up to four (4) ISB sections: the Dispute Resolution and Government Sections, membership in which is required for OAH ALJs; and up to two (2) additional section memberships of the individual ALJ's choosing, provided that the section's subject area is related to OAH's scope of work.

Approved:

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a small dot.

Chief Administrative Hearing Officer



STATE OF IDAHO

OFFICE OF ADMINISTRATIVE HEARINGS

Policy No.: **24-5**

Date: September 20, 2024

Effective Date: July 1, 2024

Re: Mandatory recusals/disclosures based on prior agency interactions.

PURPOSE: To establish uniform in-house and contract hearing officer policies for mandatory recusal and to ensure that parties are provided with sufficient relevant and timely information for a Rule 251 for-cause Petition for Disqualification.

APPLICABILITY: All in-house administrative law judges ("ALJs") and contract Hearing Officers.

SUPERSEDES: Policy 23-7, issued April 10, 2023.

AUTHORITY: I.C. §67-5252(f); §67-5282(1)(b), (d), (f), & (h); IRAP 62.01.01.251

POLICY: ALJs and contract Hearing Officers who are appointed to serve as a hearing officer in an agency proceeding for an agency that they have previously represented or been adverse to shall disqualify themselves and/or disclose to the parties such prior agency interaction as follows:

- **Less than 6 months: mandatory non-appointment/recusal.** ALJs and contract Hearing Officers shall not be appointed, or shall otherwise recuse themselves if appointed, to handle a matter with an agency that they represented or were adverse to within the **six (6) months** prior to appointment.
- **6 months to 2 years: mandatory disclosure.** ALJs and contract Hearing Officers shall disclose at the initial scheduling conference or the first appearance before the parties, that they have previously represented or been adverse to the agency before which the proceeding is being held with the **two (2) years** prior to appointment, and state on the record whether

there is a basis, in the Hearing Officer's mind, for a recusal. A failure by an ALJ or contract Hearing Officer to disclose may be cured by issuing a Notice to the parties following the first appearance before the parties. Parties will have fourteen (14) days from such disclosure or notice to file a for-cause Petition to Disqualify pursuant to Idaho Code section 67-5252(5) and Rule 251.

- More than 2 years: optional disclosure. ALJs and contract Hearing Officers who have not represented or been adverse to the agency before which the proceeding is being held within the two (2) years prior to appointment are not required to disclose such prior agency interaction(s) with the parties to the proceeding. However, ALJs and contract Hearing Officers must still comply with all other governing guidelines governing disclosures and recusals, including, but not limited to, OAH's Code of Conduct for Administrative Hearing Officers (to include, e.g., Canon 2.11, "Disqualifications").

Approved:



Chief Administrative Hearing Officer