§ 381. Director. a. The head of the bureau shall be the director who shall be the chief administrative law judge of the bureau and shall have all the powers of an administrative law judge pursuant to this section. The director shall be appointed by the chief executive officer of the municipality, for a term of five years with the advice and consent of the legislative body of such municipality. The director shall be removable only for neglect of duty or misfeasance in office after notice and an opportunity for a hearing. Once appointed and confirmed, the director shall serve until his or her term expires and until his or her successor has been appointed and confirmed. The director shall devote his or her entire work time to the duties of the office.

b. The director shall be an attorney admitted to practice for at least five years in the state of New York and shall be knowledgeable on the subject of administrative law and procedures.

c. The director shall have the power to promulgate rules consistent with this article for the practice and procedure of the bureau, the conduct of adjudications and the dismissal or settlement of proceedings.

d. The director shall develop and implement a program of evaluation to aid in the performance of his or her duties, and to assist in the making of promotions, demotions or removals. This program of evaluation shall focus on three areas of performance: competence, productivity and demeanor. It shall include consideration of: industry and promptness in adhering to schedules, making rulings and rendering decisions; tolerance, courtesy, patience, attentiveness, and self control in dealing with litigants, witnesses and representatives, and in presiding over adjudicatory proceedings; skills and knowledge of the subject of administrative law and procedures and new developments therein; analytical talents and writing abilities; settlement skills; quantity, nature and quality of case load disposition; impartiality and conscientiousness. The director shall develop standards and procedures for this program, which shall include taking comments from selected litigants and representatives who have appeared before an administrative judge. The methods used by an administrative judge but not the results arrived at by the administrative law judge in any case may be used in

evaluating an administrative judge. Before implementing any action based upon the finding of the evaluation program, the director shall discuss the findings and proposed action with the administrative law judge; provided however that the director's authority pursuant to this subdivision is subject to the provisions of the civil service law and any applicable collective bargaining agreement.

e. To the extent permitted by law, the director shall publish and make available to the public all significant decisions rendered by administrative law judges and all decisions rendered by the administrative appeals panels. The director may charge a reasonable fee for a copy of such determination or decision. Whenever any law of confidentiality prevents the publication of the identity of any of the parties, an edited version of the decision shall be prepared which shall not disclose the identities of the protected parties.

f. The director shall collect, compile, and publish statistics and other data with respect to the operations and duties of the bureau and submit annually to the the chief executive officer of the municipality, the legislative body of such municipality, and the public a report on such operations including but not limited to, the number of hearings initiated, the number of decisions rendered, the number of partial or total reversals by the appeals panel, the number of proceedings pending, and on any recommendations of the bureau of statutory or regulatory amendments.

g. The director shall study the subject of administrative adjudication in all its aspects, and develop programs including alternate dispute resolution and including preliminary or prehearing conferences or mediation which would promote the goals of fairness, uniformity and cost-effectiveness.

h. The director shall adopt, promulgate, amend and rescind rules and regulations to carry out the provisions of this article and the policies of the bureau in connection therewith. Such rules and regulations shall substantially comply with article three of the state administrative procedure act, shall supersede any inconsistent agency rules, and shall

include, but not be limited to, uniform standards and procedures, rules of practice, standards for determining when an expedited hearing will be conducted, standards for uncontested proceedings, standards for the assignment of administrative law judges and their removal from cases, and for the maintenance of records.

i. The director shall secure, compile and maintain all reports of administrative law judges issued pursuant to this article, and such reference materials and supporting information as may be appropriate and to establish appropriate management information systems.

j. The director shall develop and maintain a program for the continuing training and education of administrative law judges and ancillary personnel.