

Kansas Administrative Regulations

Department of Labor—Employment Security Board of Review

Article 3.—Appeals

48-3-2. Representation before referee and board of review.

(a) Appearance in person. The parties may appear in person and by an attorney or by an authorized representative.

(b) Representation by attorney. A party to the proceeding may be represented by an attorney who is regularly admitted to practice before the supreme court of Kansas, or by any attorney from without the state who complies with the provisions of Kansas Supreme Court rule 116. Each attorney representing a party before a referee shall file an entry of appearance with the referee before the hearing begins. Each attorney who did not represent a party before the referee but is representing a party before the board of review shall file an entry of appearance with the board of review.

(c) Representation by an authorized representative.

(1) Any party may be represented by an authorized representative. For the purpose of this article, an authorized representative shall mean any of the following:

(A) A union representative;

(B) an employee of an unemployment compensation cost-control management firm;

(C) an employee of a corporate party; or

(D) a legal intern authorized to represent clients pursuant to the provisions of Kansas Supreme Court rule 719.

(2) A referee or the board of review may limit or disallow participation in a hearing by an authorized representative under either of the following circumstances:

(A) The representative does not effectively aid in the presentation of the represented party's case.

(B) The representative delays the orderly progression of the hearing.

(d) Standards of conduct. A referee or the board of review may exclude a party, witness, or a party's representative from participation in the hearing or may terminate the hearing and issue a decision based upon the available evidence if a party or a

party's representative intentionally and repeatedly fails to observe the provisions of the Kansas employment security law, the regulations of the secretary of labor or the board of review, or the instructions of a referee or the board of review.

(e) Fees. No fees shall be charged or received for the representation of an individual claiming unemployment benefits until the fees have been approved in accordance with K.S.A. 44-718(b) and amendments thereto.

(Authorized by K.S.A. 2008 Supp. 44-709(g); implementing K.S.A. 2008 Supp. 44-709(c) and (k); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; amended May 1, 1987; amended Jan. 22, 2010.)

***** Authenticated Kansas Administrative Regulation *****