

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Fidel F. Del Valle, Commissioner/Chief Administrative Law Judge



WHAT WE DO

The Office of Administrative Trials and Hearings (OATH) is an independent, central administrative law court with two divisions: the OATH Trials Division and the OATH Hearings Division. The OATH Hearings Division consists of three subdivisions: OATH Environmental Control Board (ECB) Hearings, OATH Taxi & Vehicle for Hire Hearings and OATH Health Hearings. OATH Hearings are conducted by Hearing Officers. The OATH Trials Division adjudicates a wide range of issues referred by City agencies. Its caseload includes employee discipline, retention of seized vehicles, license and regulatory enforcement, real estate and loft law violations, contract disputes and human rights violations. OATH Trials are conducted by Administrative Law Judges. In the OATH Hearings Division, ECB Hearings conducts hearings on alleged quality-of-life violations that can be filed by 13 different City agencies. OATH Taxi & Vehicle for Hire Hearings holds hearings on summonses issued by the Taxi and Limousine Commission (TLC), the City's Police Department and the Port Authority of New York and New Jersey for alleged violations of TLC and other City rules. OATH Health Hearings holds hearings on summonses issued by the Department of Health and Mental Hygiene regarding alleged violations of the City's Health Code and other laws affecting health.

FOCUS ON EQUITY

OATH was established as an independent Charter agency with the mission to provide fair and unbiased administrative trials and hearings to the City's residents, businesses and agencies. With a focus on providing convenience to the New Yorkers who are summoned to its courts, OATH is undertaking an agency-wide transformation. It is redesigning all of the rules, procedures, forms and documents across its three hearings subdivisions with the aim of making the hearing processes standard and understandable for all New Yorkers summoned to hearings, regardless of which of the various City enforcement agencies issued the notice or summons. Having one division that is responsible for all administrative hearings conducted by OATH will enable the creation of OATH "One-Stop Hearing Centers" in each borough. These Centers will provide individuals and businesses with the opportunity to deal with summonses issued by any City agency before an independent and impartial administrative court that has one uniform set of procedures that will become familiar to all.

OUR SERVICES AND GOALS

SERVICE 1 Adjudicate the City's administrative matters.

- Goal 1a Hear cases promptly and issue timely decisions at the OATH Trials Division.

SERVICE 2 Adjudicate alleged violations of the City's local administrative laws.

- Goal 2a Hear cases promptly and issue timely decisions at the OATH Hearings Division, which includes OATH Environmental Control Board (ECB) Hearings, OATH Health Hearings and OATH Taxi & Vehicle for Hire Hearings.

HOW WE PERFORMED

- In the first four months of Fiscal 2016, the percentage of decisions issued within 45 days by Administrative Law Judges (ALJ) at the Trials Division was 88 percent, while it was 93 percent during the same time last fiscal year. The slight decrease can be attributed to the fact that OATH judges during the first four months of Fiscal 2016 experienced an increase in the number of days that they were on the bench. When the judges are on trial, their written decisions on closed cases may be delayed due to the fact that they are conducting trials on other matters. The average number of trial days for OATH's Administrative Law Judges during the first four months of Fiscal 2015 was 97 while the average number of trial days during the first four months of Fiscal 2016 was 124. The OATH Trials Division continues to conduct fair proceedings and issue fair decisions. In the first four months of Fiscal 2016, 100 percent of the facts and conclusions established in the Reports and Recommendations issued by OATH ALJ's were accepted and the judge's recommendations were adopted by the respective City agency that brought the charges in these cases, while 98 percent of the facts and conclusions were adopted during the same period last year.
- In the first four months of Fiscal 2016, the number of summonses received for OATH ECB Hearings from City enforcement agencies increased by two percent to 230,606, compared to the first four months of last fiscal year. OATH ECB continued to improve in its efficiency and its provision of timely decisions in the cases it hears. In the Fiscal 2016 four-month period, the average time from case assignment to decision improved to four days at OATH ECB, representing a 33 percent decrease in the time taken to issue a decision after a hearing has been assigned.
- OATH received 10,843 dockets from the Health Department for OATH Health Hearings in the first four months of Fiscal 2016, a decrease of 17 percent compared to the same period last fiscal year. While there was a concomitant decrease in the number of hearings it conducted, OATH rendered 8,186 Health Hearings decisions in the Fiscal 2016 four-month period, an increase of three percent from the 7,986 decisions it rendered in the comparable period of Fiscal 2015.
- In the first four months of Fiscal 2016, OATH received 33,899 summonses for Taxi & Vehicle for Hire Hearings, an increase of 10 percent from the first four months of Fiscal 2015. OATH conducted 21,582 Taxi & Vehicle for Hire hearings during the Fiscal 2016 four-month period, a 13 percent decrease compared to the first four months of Fiscal 2015. The decrease in OATH Taxi & Vehicle for Hire hearings is attributable to the steep increase in the number of cases that were filed and then withdrawn or settled by TLC prior to the OATH hearing. In the first four months of Fiscal 2015, TLC withdrew 4,268 summonses after filing them at OATH for a hearing; in the first four months of Fiscal 2016 the number of summonses it withdrew more than tripled, to 13,664.

SERVICE 1 Adjudicate the City's administrative matters.

Goal 1a Hear cases promptly and issue timely decisions at the OATH Trials Division.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
★ Average time for the OATH Trials Division to issue decisions after records closed (business days)	13.9	15.2	7.5	25.0	25.0	8.2	5.4
OATH Trials Division cases with decisions issued within 45 business days (%)	98%	94%	93%	*	*	93%	88%
OATH Trials Division facts and conclusions adopted by agencies (%)	99%	98%	99%	96%	96%	98%	100%
★ Average adjournment time at the OATH Trials Division (business days)	16.6	15.7	16.9	20.0	20.0	16.3	16.4
OATH Trials Division settlement rate (%)	59%	55%	57%	55%	55%	60%	58%
Cases filed at the OATH Trials Division (total)	2,358	2,665	2,754	*	*	989	858
Cases closed at the OATH Trials Division (total)	2,326	2,425	2,724	*	*	885	853
Cases processed per ALJ (total)	183.0	187.0	188.0	*	*	NA	NA

★ Critical Indicator "NA" - means Not Available in this report * No Target ↓↑ shows desired direction

SERVICE 2 Adjudicate alleged violations of the City's local administrative laws.

Goal 2a

Hear cases promptly and issue timely decisions at the OATH Hearings Division, which includes OATH Environmental Control Board (ECB) Hearings, OATH Health Hearings and OATH Taxi & Vehicle for Hire Hearings.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Notices of Violation (NOV) received by OATH ECB Hearings Division	464,666	566,566	623,758	*	*	225,884	230,606
OATH ECB Hearings Division hearings conducted	208,922	195,284	184,631	*	*	63,385	60,675
★ Average time from OATH ECB Hearings Division hearing assignment to decision (days)	5	6	6	20	20	6	4
OATH ECB Hearings Division cases with decisions issued within 45 business days of hearing assignment (%)	99.7%	99.9%	99.9%	*	*	99.9%	99.9%
★ OATH ECB Hearings Division decisions rendered	141,371	142,390	146,266	*	*	50,367	49,031
Dockets received by the OATH Health Hearings Division	41,772	40,255	37,776	*	*	13,076	10,843
OATH Health Hearings Division hearings conducted	36,187	37,932	34,013	*	*	11,844	8,979
★ OATH Health Hearings Division decisions rendered	23,787	26,043	23,731	*	*	7,986	8,186
Summonses received by the OATH Taxi & Vehicle for Hire Hearings Division	NA	97,392	97,986	*	*	30,743	33,899
OATH Taxi & Vehicle for Hire Hearings Division hearings conducted	NA	59,929	75,402	*	*	24,889	21,582
★ OATH Taxi & Vehicle for Hire Hearings Division decisions rendered	NA	50,264	63,060	*	*	20,847	17,856

★ Critical Indicator "NA" - means Not Available in this report * No Target ↕ shows desired direction

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Customer Experience							
Completed customer requests for interpretation	8,734	9,240	9,419	*	*	3,509	3,231
Letters responded to in 14 days (%)	99.7%	100%	100%	*	*	100%	100%
E-mails responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
CORE facility rating	90	97	94	*	*	NA	NA

"NA" - means Not Available in this report * No Target

AGENCY RESOURCES

Resource Indicators	Actual			Sept. 2015 MMR Plan	Updated Plan	Plan	4-Month Actual	
	FY13	FY14	FY15	FY16	FY16 ¹	FY17 ¹	FY15	FY16
Expenditures (\$000,000) ²	\$30.7	\$31.3	\$34.4	\$39.2	\$38.2	\$39.9	\$11.0	\$13.2
Revenues (\$000,000)	\$135.7	\$137.3	\$141.3	\$126.8	\$126.8	\$126.7	\$50.7	\$50.4
Personnel	368	358	362	461	448	446	352	343
Overtime paid (\$000)	\$39	\$101	\$42	\$40	\$40	\$40	\$16	\$14

¹January 2016 Financial Plan ²Expenditures include all funds "NA" - Not Available in this report

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- The names of the subdivisions of the new OATH Hearings Division are updated in the introductory text to this section, and in the applicable performance indicators reported herein. The names of all the indicators for the OATH Trials Division have also been updated. There was no impact on data values. These updates reflect the City rule that took effect at the start of Fiscal 2016 and renamed the OATH Trials Division and created the OATH Hearings Division. The updated names of OATH Hearings Division subdivisions are OATH Environmental Control Board (ECB) Hearings, OATH Taxi & Vehicle for Hire Hearings, and OATH Health Hearings. (These were formerly Environmental Control Board (ECB) Tribunal, OATH Taxi and Limousine Tribunal, and OATH Health Tribunal, respectively.)

ADDITIONAL RESOURCES

For additional information, go to:

- OATH Trials Division data:
http://www.nyc.gov/html/oath/downloads/pdf/oath_trib_stats/OATH.pdf
- Health Hearings Data:
http://www.nyc.gov/html/oath/downloads/pdf/health_trib_stats/Health.pdf
- Taxi & Vehicle for Hire Hearings Data:
http://www.nyc.gov/html/oath/downloads/pdf/tlt_trib_stats/Taxi.pdf
- Environmental Control Board Hearings data:
http://www.nyc.gov/html/oath/downloads/pdf/ecb_trib_stats/ECB.pdf

For more information on the agency, please visit: www.nyc.gov/oath.