

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Joni Kletter, Commissioner and Chief Administrative Law Judge



WHAT WE DO

The Office of Administrative Trials and Hearings (OATH) is the City's central, independent administrative law court. OATH has two divisions that are responsible for adjudicating City matters: the OATH Trials Division and the OATH Hearings Division. The OATH Trials Division adjudicates a wide range of issues that can be referred by any City agency, board or commission. Its caseload includes employee discipline and disability hearings for civil servants, Conflicts of Interest Board cases, proceedings related to the retention of seized vehicles by the police, City-issued license and regulatory enforcement, real estate, zoning and loft law violations, City contract disputes and human rights violations under the City Human Rights Law. OATH Trials are conducted by Administrative Law Judges (ALJs) who are appointed to five-year terms. In the OATH Hearings Division, hearings are conducted on summonses issued by 25 different City enforcement agencies for alleged violations of law or City rules. These summonses are issued by the Departments of Buildings, Sanitation, Environmental Protection, Consumer and Worker Protection, Health and Mental Hygiene, and the Taxi and Limousine Commission, among others. OATH also has jurisdiction to hold hearings on summonses from certain non-City entities such as the Port Authority of New York and New Jersey. OATH hearings are conducted by Hearing Officers. OATH also houses the Center for Creative Conflict Resolution, which provides mediation and restorative justice support to City government agencies, and the Administrative Judicial Institute, a resource center that provides training, continuing education, research, and support services for the various administrative law judges and tribunals throughout New York City.

FOCUS ON EQUITY

OATH's mission is to provide fair and unbiased administrative trials and hearings for the City's residents, businesses and agencies. Key to achieving this mission is addressing underlying societal inequities that can impact how accessible and navigable the administrative justice process is to a respondent. OATH has undertaken several changes to its operations in order to increase accessibility. Since 2014, OATH has updated its Hearings Division rules, procedures and forms to make the hearing process uniform and understandable to anyone who wants a hearing, regardless of which City enforcement agency issued the summons - making the process easier to navigate means that respondents do not need to hire a lawyer or representative.

Additionally, Fiscal 2020 represents the third year of operation for OATH's Help Centers, which operate at Hearings Division locations throughout the five boroughs. Help Centers are staffed by Procedural Justice Coordinators (PJs) who help self-represented litigants navigate the hearing process, find legal resources and City records, and understand OATH procedures. PJs do not offer legal advice or act as legal representatives to litigants. Since launching its Help Centers, OATH PJs have actively assisted more than 100,000 people. During the last four months of Fiscal 2020 when the City was shut down due to the COVID-19 outbreak, OATH's Help Center went 100 percent remote and was able to conduct almost 5,000 remote Help Sessions with respondents prior to their hearing. OATH also established a small business unit inside its help center to assist small businesses with the OATH Hearing Process and to connect small businesses to other City resources, in a partnership with the Department of Small Business Services.

In Fiscal 2019, OATH established a Neighborhood Pop-Up Court initiative that allows OATH to conduct hearings in communities across the five boroughs at Community Boards, libraries, civic organizations, and other public spaces. The initiative targets so-called "transportation deserts" to increase response rates to City-issued summonses by making it more convenient for people to access their hearing who live in places that do not have reliable public transportation. This decreases the cost of having to travel to OATH in person if a respondent lives in a transportation desert. By the end of Fiscal 2020, OATH had held 19 Pop-Up Courts in different neighborhoods, across all five boroughs. Unfortunately, due to the COVID-19 outbreak, OATH had to put its Pop-Up Court program on hold.

OUR SERVICES AND GOALS

SERVICE 1 Adjudicate alleged violations of State and City administrative laws.

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

SERVICE 2 Adjudicate alleged violations of City administrative laws.

Goal 2a Hear cases promptly and issue timely and fair decisions at the OATH Hearings Division.

HOW WE PERFORMED IN FISCAL 2020

SERVICE 1 Adjudicate alleged violations of State and City administrative laws.

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

City agencies filed 2,245 cases at the OATH Trials Division in Fiscal 2020, a decrease of 17 percent from Fiscal 2019. The decrease can be primarily attributed to a decline in personnel and vehicle forfeiture filings, potentially explained by the City shutting down or limiting certain in-person office operations during the COVID-19 outbreak and reduced vehicle usage in the last four months of the fiscal year.

The number of cases closed at the OATH Trial's Division declined by 20 percent in Fiscal 2020 compared to the prior year. Up to the end of March 2020, OATH was on track to close more cases than it had in Fiscal 2019, but COVID-19 restrictions dramatically reduced OATH's capacity to close cases because of the additional time required to hold conferences and trials via remote appearance and the postponement of certain trials that had been scheduled to proceed in-person during the last four months of the fiscal year. This also impacted the annual average number of cases processed per ALJ. OATH Trials' settlement rate, facts and conclusion adopted by agencies and decisions issued within 45 business days in Fiscal 2020 were all on par with the prior fiscal year.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
OATH Trials Division cases with decisions issued within 45 business days (%)	93%	93%	91%	90%	90%	*	*	Neutral	Up
★ OATH Trials Division facts and conclusions adopted by agencies (%)	99%	99%	99%	100%	98%	96%	96%	Neutral	Up
OATH Trials Division settlement rate (%)	57%	59%	57%	54%	52%	55%	55%	Down	*
Cases filed at the OATH Trials Division (total)	2,553	2,661	2,836	2,691	2,245	*	*	Neutral	*
Cases closed at the OATH Trials Division (total)	2,560	2,668	2,677	2,660	2,118	*	*	Down	*
★ Cases processed per ALJ (total)	188.6	189.6	202.0	206.8	186.2	↑	↑	Neutral	Up
Average time for the OATH Trials Division to issue decisions after records closed (business days)	5.4	5.2	4.0	4.2	5.5	15.0	15.0	Neutral	Down

★ Critical Indicator "NA" Not Available ↑↓ Directional Target * None

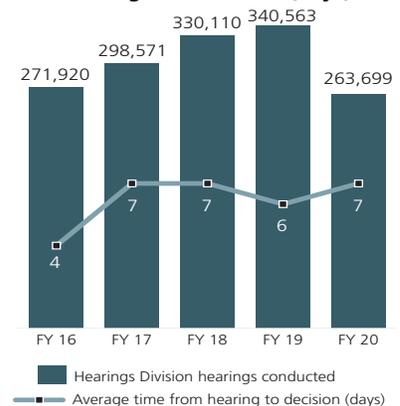
SERVICE 2 Adjudicate alleged violations of City administrative laws.

Goal 2a Hear cases promptly and issue timely and fair decisions at the OATH Hearings Division.

Summonses received at the OATH Hearings Division from issuing agencies declined substantially between Fiscal 2020 and Fiscal 2019, from 837,086 to 701,862 – this decline can almost be entirely accounted for by a dramatic slowdown at issuing agencies from March to June. Summonses received through February 2020 were fewer by only 1.6 percent compared to the same period in the prior fiscal year; while summonses intake between March and June declined by 45.7 percent compared to the same period in Fiscal 2019.

In Fiscal 2020, OATH held 263,699 hearings on summonses filed at its Hearings Division, a decrease of 23 percent from Fiscal 2019. OATH quickly evolved its operations in response to the COVID-19 pandemic and corresponding shut down. From Mid-March through the end of Fiscal 2020, OATH did not penalize respondents who did not appear for their hearings and instead, automatically rescheduled thousands of cases so that respondents whose lives may have been significantly disrupted by the COVID-19 pandemic were not adversely affected. Hearings for summonses which could previously be contested by phone or by submitting a defense using an online form, continued to be heard using these methods; however, OATH also significantly expanded its Hearing by Phone options, making telephonic hearings available for all summonses filed at OATH, regardless of which agency filed the summons or what was charged on the summons. In the last four months of Fiscal 2020, OATH conducted more than 13,000 hearings by telephone.

Hearings Division hearings conducted vs. hearing decision time (days)



Because OATH was able to continue its operations at 100 percent remote capacity during the last four months of Fiscal 2020, OATH conducted 18 percent more remote hearings in Fiscal 2020 than in Fiscal 2019.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Total summonses received from the issuing agencies at the OATH Hearings Division	826,714	846,999	879,096	837,778	701,862	*	*	Down	*
Total hearings at the OATH Hearings Division	271,920	298,571	330,110	340,563	263,699	*	*	Neutral	*
★ Total number of pre-hearing activities at the OATH Hearings Division	298,819	313,665	290,437	295,440	238,791	*	*	Down	*
★ Total summonses processed at the OATH Hearings Division	612,124	633,596	658,245	663,327	484,589	*	*	Down	*
★ Summonses with decision rendered at the OATH Hearings Division	195,290	207,723	248,438	261,906	196,631	*	*	Up	*
★ Average time from OATH Hearings Division hearing assignment to decision rendered (days)	4	7	7	6	7	*	*	Up	*
OATH hearings by mail (% of total remote hearings)	24.4%	32.3%	19.9%	14.3%	12.5%	*	*	Down	*
OATH hearings by phone (% of total remote hearings)	16.7%	15.5%	19.2%	18.4%	39.0%	*	*	Up	*
OATH one-click hearings (% of total remote hearings)	58.9%	52.2%	60.9%	67.3%	48.6%	*	*	Neutral	*
★ Critical Indicator "NA" Not Available ⬆️⬆️ Directional Target * None									

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Customer Experience									
Completed customer requests for interpretation	10,185	11,842	16,034	18,044	12,940	*	*	Up	*
Letters responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Neutral	Up
E-mails responded to in 14 days (%)	100%	100%	98.62%	99.94%	99.89%	*	*	Neutral	Up
CORE customer experience rating (0-100)	98	97	98	NA	100	*	*	NA	Up
★ Critical Indicator "NA" Not Available ⬆️⬆️ Directional Target * None									

AGENCY RESOURCES

Resource Indicators	Actual ¹					Plan ²		5yr Trend
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	
Expenditures (\$000,000) ³	\$36.3	\$39.0	\$44.4	\$47.1	\$46.0	\$51.5	\$50.8	Up
Revenues (\$000,000)	\$155.2	\$147.5	\$157.8	\$175.2	\$145.0	\$172.9	\$151.3	Neutral
Personnel	360	380	393	409	365	495	498	Neutral
Overtime paid (\$000)	\$50	\$51	\$68	\$47	\$50	\$50	\$50	Neutral
¹ Actual financial amounts for the current fiscal year are not yet final. Final fiscal year actuals, from the Comptroller's Comprehensive Annual Financial Report, will be reported in the next PMMR. Refer to the "Indicator Definitions" at nyc.gov/mmr for details. ² Authorized Budget Level ³ Expenditures include all funds "NA" - Not Available * None								

SPENDING AND BUDGET INFORMATION

Where possible, the relationship between an agency's goals and its expenditures and planned resources, by budgetary unit of appropriation (UA), is shown in the 'Applicable MMR Goals' column. Each relationship is not necessarily exhaustive or exclusive. Any one goal may be connected to multiple UAs, and any UA may be connected to multiple goals.

Unit of Appropriation	Expenditures FY19 ¹ (\$000,000)	Modified Budget FY20 ² (\$000,000)	Applicable MMR Goals ³
001 - Personal Services	\$35.6	\$34.8	All
002 - Other Than Personal Services	\$11.5	\$11.2	All
Agency Total	\$47.1	\$46.0	

¹Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2019. Includes all funds. ²City of New York Adopted Budget for Fiscal 2020, as of June 2020. Includes all funds. ³Refer to agency goals listed at front of chapter. "NA" Not Available * None

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- Tynia D. Richard served as the Acting Commissioner and Acting Chief Administrative Law Judge for the first eight months of Fiscal 2020. On March 13, 2020 Joni Kletter was appointed Commissioner and Chief Administrative Law Judge of OATH.

ADDITIONAL RESOURCES

For additional information, go to:

- OATH Trials Division data:
<https://www1.nyc.gov/site/oath/about/trials-division-data.page>
- OATH Hearings Division data:
<http://www1.nyc.gov/site/oath/about/hearings-division-data.page>

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