



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Suzanne A. Beddoe, Commissioner & Chief Administrative Law Judge

## What We Do

The Office of Administrative Trials and Hearings (OATH) is an independent, central court that consists of four tribunals: the OATH Tribunal, the Environmental Control Board (ECB), the OATH Taxi & Limousine Tribunal and the OATH Health Tribunal. The OATH Tribunal adjudicates or settles 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. ECB conducts hearings on alleged quality-of-life violations, which can be filed by 13 City agencies. The OATH Taxi & Limousine Tribunal holds hearings on summonses issued by the Taxi and Limousine Commission (TLC), the Police Department and the Port Authority of New York and New Jersey for alleged violations of TLC and other City rules. The OATH Health Tribunal holds hearings on violations issued by the Department of Health and Mental Hygiene regarding alleged violations of the City's Health Code and other laws affecting health.

## Our Services and Goals

### Service 1: Adjudicate the City's administrative matters.

Goal 1a: Hear cases promptly and issue timely decisions at the OATH Tribunal.

### Service 2: Adjudicate alleged violations of the City's local administrative laws.

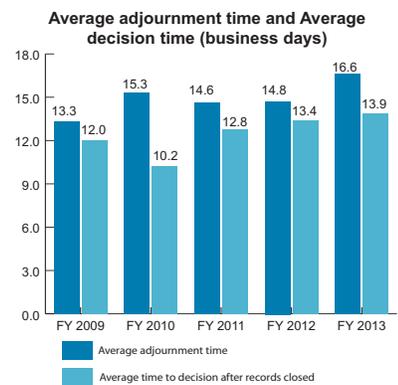
Goal 2a: Hear cases promptly and issue timely decisions at the Environmental Control Board (ECB), the OATH Health Tribunal and the OATH Taxi & Limousine Tribunal.

## How We Performed in Fiscal 2013

### Service 1: Adjudicate the City's administrative matters.

#### Goal 1a: Hear cases promptly and issue timely decisions at the OATH Tribunal.

The OATH Tribunal met its targets in Fiscal 2013 despite the 16 percent increase in cases filed before the tribunal and the varying levels of complexity of the cases that were either new or increased in volume. The negligible increase to 13.9 days in the average time it takes the OATH Tribunal to issue decisions after having the record closed, from 13.4 days the previous year, was due in part to the shift in the sources and types of cases filed at the tribunal. This shift included the acceptance of cases from the Business Integrity Commission; Loft Board cases complicated by recent changes to the Loft Law and Loft Board rules; and an increase in the number of discrimination cases filed at the tribunal.



Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY09	FY10	FY11	FY12	FY13	FY13	FY14		
★ Average time for OATH to issue decisions after records closed (business days)	12.0	10.2	12.8	13.4	13.9	25.0	25.0	Down	Up
OATH cases with decisions issued within 45 business days (%)	90%	95%	96%	98%	98%	*	*	Up	Neutral
OATH facts and conclusions adopted by agencies (%)	98%	99%	99%	98%	99%	96%	96%	Up	Neutral
★ Average adjournment time at OATH (business days)	13.3	15.3	14.6	14.8	16.6	20.0	20.0	Down	Up
OATH settlement rate (%)	53%	50%	51%	59%	59%	55%	55%	Neutral	Up
Cases filed at OATH	3,472	2,921	2,611	2,027	2,358	*	*	Neutral	Down
Cases closed (total)	3,128	2,910	2,588	2,001	2,326	*	*	Neutral	Down
Cases processed per ALJ (total)	237.5	207.7	188.7	179.3	183.0	*	*	Up	Down

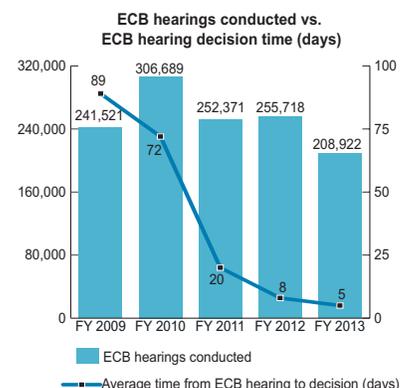
★ Critical Indicator "NA" - means Not Available in this report ↕ ↗ shows desired direction

## Service 2: Adjudicate alleged violations of the City's local administrative laws.

### Goal 2a: Hear cases promptly and issue timely decisions at the Environmental Control Board (ECB), the OATH Health Tribunal and the OATH Taxi & Limousine Tribunal.

In Fiscal 2013, the Environmental Control Board reduced its average time from hearing assignment to decision to 5 days, below the target and 38 percent shorter than in Fiscal 2012. ECB has moved toward its goal of providing prompt hearings by reducing its annual average time from hearing to decision by 94 percent since Fiscal 2009, when it was 89 days.

The number of Notices of Violation (NOVs) received by ECB from the City's enforcement agencies decreased 18 percent in Fiscal 2013, compared to Fiscal 2012. The number of hearings conducted by ECB also declined by 18 percent. From Fiscal 2009 to Fiscal 2013, the number of NOVs received annually by ECB declined by 34 percent, but the number of hearings it conducted annually decreased by only 13 percent.



In Fiscal 2013, the number of adjournments at the OATH Health Tribunal decreased by 77 percent, from 10,875 in Fiscal 2012 to 2,510, due to better trained Hearing Examiners who properly evaluate requests for adjournments. As a result, fewer respondents are inconvenienced by having to return to the tribunal to have their hearing on another day. Out of the total number of hearings at this tribunal, adjournments were 7 percent in Fiscal 2013, compared to 17 percent in Fiscal 2012.

In Fiscal 2013, the OATH Health Tribunal reduced by 75 percent from Fiscal 2012 the time from when it receives a request for a reschedule or an adjournment, to when a new hearing date is scheduled and the respondent is notified. Since OATH took over the Health Tribunal's operations in July 2011, the average time it takes it to reschedule a case has decreased from 120 days in Fiscal 2012 to 30 days in Fiscal 2013.

In Fiscal 2013, the average turnaround time for Appeals cases - the time from when an appeal is received to when a decision is rendered - improved at each OATH administrative law tribunal when compared to the previous fiscal year. The Appeals Unit at ECB reduced its turnaround time from 130 to 107 days (an 18 percent decrease) and the OATH Health Tribunal Appeals Unit decreased its time to issue decisions from 90 to 50 days (a 44 percent decrease). After eliminating more than 3,000 backlogged appeal decisions that were inherited from TLC at the start of Fiscal 2012, the average turnaround time for the OATH Taxi Tribunal Appeals Unit was reduced to 28 days in Fiscal 2013. Each of these tribunals continues to benefit from restructured administrative teams and the expertise gained under OATH management.

In February 2013, the OATH Taxi & Limousine Tribunal replaced the paper-based case tracking system in use when OATH took over the tribunal's operations in July 2011. OATH developed a new electronic case management system, based on established best practices, that streamlines the Taxi Tribunal's business processes and data management and improves its overall operations and service.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY09	FY10	FY11	FY12	FY13	FY13	FY14		
Notices of Violation (NOV) received by ECB Tribunal	704,680	694,273	562,418	563,477	464,666	*	*	Neutral	Down
ECB Tribunal hearings conducted	241,521	306,689	252,371	255,718	208,922	*	*	Neutral	Down
★ Average time from ECB Tribunal hearing assignment to decision (days)	89	72	20	8	5	*	20	Down	Down
ECB Tribunal cases with decisions issued within 45 business days of hearing assignment (%)		NA	NA	NA	99.7%	*	*	Up	NA
★ ECB Tribunal decisions rendered	187,475	204,192	178,872	172,409	141,371	*	*	Neutral	Down
Dockets received by Health Tribunal	NA	NA	NA	NA	41,772	*	*	Neutral	NA
Health Tribunal hearings conducted	NA	NA	NA	NA	36,187	*	*	Neutral	NA
★ Health Tribunal decisions rendered	NA	NA	NA	NA	23,787	*	*	Neutral	NA
Summonses received by Taxi Tribunal	NA	NA	NA	NA	NA	*	*	Neutral	NA
Taxi Tribunal hearings conducted	NA	NA	NA	NA	NA	*	*	Neutral	NA
★ Taxi Tribunal decisions rendered	NA	NA	NA	NA	NA	*	*	Neutral	NA

★ Critical Indicator "NA" - means Not Available in this report ↕ shows desired direction

## Agency Customer Service

OATH responded to all letters within 14 days in Fiscal 2013, exceeding the previous year's level and the Fiscal 2013 target. It also increased the number of requests for interpretation completed by 18 percent in Fiscal 2013. OATH increased its CORE customer experience rating to 90 in Fiscal 2013.

Performance Indicators	Actual					Target		5yr Trend
	FY09	FY10	FY11	FY12	FY13	FY13	FY14	
Customer Experience								
Letters responded to in 14 days (%)	NA	NA	83	98	100	95	95	NA
Completed customer requests for interpretation	1,011	6,864	8,104	7,423	8,734	NA	NA	Up
CORE customer experience rating (0-100)	NA	84	86	87	90	87	90	NA

## Agency Resources

Resource Indicators	Actual					Plan <sup>1</sup>		5yr Trend
	FY09	FY10	FY11	FY12	FY13	FY13	FY14	
Expenditures (\$000,000) <sup>2</sup>	\$16.2	\$24.0	\$23.3	\$30.5	\$34.6	\$34.6	\$35.0	Up
Revenues (\$000,000)	\$0.0	\$0.0	\$87.2	\$159.8	\$135.5	\$138.0	\$147.2	NA
Personnel	295	279	270	372	368	446	451	Up
Overtime paid (\$000)	\$86	\$33	\$29	\$0	\$124	\$124	\$40	Up

<sup>1</sup>Authorized Budget Level

<sup>2</sup>Expenditures include all funds.

"NA" - Not Available in this report

## Noteworthy Changes, Additions or Deletions

None.

For additional agency performance statistics, please visit:

- Hearing data:  
[http://www.nyc.gov/html/oath/downloads/pdf/oath\\_stats/OATH.pdf](http://www.nyc.gov/html/oath/downloads/pdf/oath_stats/OATH.pdf)
- Health Tribunal data:  
[http://www.nyc.gov/html/oath/downloads/pdf/health\\_trib\\_stats/Health.pdf](http://www.nyc.gov/html/oath/downloads/pdf/health_trib_stats/Health.pdf)
- Taxi & Limousine Tribunal data:  
[http://www.nyc.gov/html/oath/downloads/pdf/tlc\\_trib\\_stats/Taxi.pdf](http://www.nyc.gov/html/oath/downloads/pdf/tlc_trib_stats/Taxi.pdf)
- Environmental Control Board data:  
[http://www.nyc.gov/html/ecb/downloads/pdf/ecb\\_trib\\_stats/ECB.pdf](http://www.nyc.gov/html/ecb/downloads/pdf/ecb_trib_stats/ECB.pdf)

For more information on the agency, please visit: [www.nyc.gov/oath](http://www.nyc.gov/oath).