

# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

**Asim Rehman, 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 three divisions responsible for adjudicating City matters: OATH Trials Division, OATH Hearings Division and OATH Special Education Hearings Division. The Trials Division adjudicates a wide range of issues that can be referred by any City agency, board or commission. Its caseload includes employee discipline hearings for civil servants, Conflicts of Interest Board cases, proceedings related to the retention of seized vehicles by the police, City-issued license revocation cases, real estate, zoning and loft law violations, City contract disputes, cases involving violations of paid sick day and fair workweek laws and the City Human Rights Law. Trials are conducted by Administrative Law Judges who are appointed to five-year terms. Hearings at the Hearings Division are conducted by Judicial Hearing Officers on summonses issued by 25 different City enforcement agencies for alleged violations of law or City rules. The Special Education Hearings Division adjudicates disputes about special education services provided to New York City children. 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 and support services for the City's Administrative Law Judges and Hearing Officers.

## FOCUS ON EQUITY

OATH's focus on equity involves ensuring that all New York City residents and businesses with matters before OATH have equitable access to services and are treated fairly. All New Yorkers, including those who are limited in their ability to visit an OATH office, have the convenient option of challenging summonses they receive from City enforcement agencies by phone. Those who are limited in their ability to have a remote hearing may request an in-person hearing. To provide further convenience to all residents and businesses, OATH instituted a call-back function so that respondents do not spend their time waiting for their hearing to begin. OATH also has a text message system to allow respondents to receive reminders of their upcoming hearings along with short, simple instructions on how to proceed.

To ensure that OATH services are accessible, and its procedures are understandable to residents and small businesses who may not be able to afford a lawyer or other representative, those often with limited financial resources, OATH's Help Center provides self-represented respondents with one-on-one help sessions to provide case-specific information and options and help them understand how to navigate OATH's processes. OATH implemented a text messaging service at its Help Center, which provides respondents with more ways to receive assistance. Respondents can now choose to receive assistance in person, over the phone, over email, or over text. OATH also has a small business unit within its Help Center to assist small businesses that receive summonses and to provide information about resources offered by the City's Department of Small Business Services.

## OUR SERVICES AND GOALS

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### **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.

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### **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.

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### **SERVICE 3 Adjudicate due process complaints related to special education services.**

Goal 3a Hear cases promptly and issue timely and fair decisions at the OATH Special Education Hearings Division.

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### **SERVICE 4 Provide conflict resolution services and restorative practices to City agencies and the public through OATH's Center for Creative Conflict Resolution.**

Goal 4a Administer mediations, trainings, and restorative group sessions to restore interpersonal relationships between City employees who experience conflict at work and to support City residents and businesses who experience conflict with their neighbors or landlords.

# HOW WE PERFORMED IN FISCAL 2024

## 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.

In Fiscal 2024, the Trials Division received 3,653 cases, a three percent decrease over Fiscal 2023. Although there was a slight decrease in total cases filed, due in part to a decrease in both contract case filings and disciplinary cases filed by agencies against City employees, among other types of cases, the overall trend points to a significantly larger caseload over the last five fiscal years. The Fiscal 2024 caseload is up 63 percent from Fiscal 2020 and up 23 percent from Fiscal 2022.

In Fiscal 2024, the total number of cases processed per Administrative Law Judge (ALJ) decreased from 324 cases processed per ALJ in Fiscal 2023 to 314 cases in Fiscal 2024, the total number of cases closed at the OATH Trials Division decreased nine percent, and OATH’s decision time increased to an average of 36 days in Fiscal 2024 from 31 days in Fiscal 2023. These changes appear to be driven by several factors. First, Fiscal 2023 saw a 26 percent increase in new cases from Fiscal 2022, and some cases filed at the end of Fiscal 2023 were closed in Fiscal 2024. Second, three percent more cases in Fiscal 2024 required more active ALJ involvement (i.e., settlement conferences and trials) than in the prior fiscal year. Third, in Fiscal 2024 the Division saw an increase in complex cases that typically take longer to resolve (e.g., Loft Board cases and those involving real estate and regulatory issues). In addition, fluctuations in decision time will vary depending on factors such as the number, nature, and complexity of filed cases, the willingness of the parties to settle, and whether a case is subject to statutory resolution deadlines. Consistent with these changes, in Fiscal 2024, the settlement rate increased by three percentage points from 57.45 percent of total cases in Fiscal 2023 to 60.14 percent of total cases in Fiscal 2024.

Performance Indicators	Actual					Target		Trend	
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	5-Year	Desired Direction
★ OATH Trials Division cases with decisions issued within 45 business days (%)	90%	85%	78%	89%	83%	↑	↑	Neutral	Up
★ OATH Trials Division facts and conclusions adopted by agencies (%)	98%	99%	96%	99%	99%	96%	96%	Neutral	Up
OATH Trials Division settlement rate (%)	52%	51%	57%	57%	60%	55%	55%	Up	*
Cases filed at OATH Trials Division (total)	2,245	2,349	2,975	3,759	3,653	*	*	Up	*
Cases closed at OATH Trials Division (total)	2,118	2,257	2,748	3,874	3,538	*	*	Up	*
Cases processed per Administrative Law Judge (total)	186.2	184.6	178.7	324.2	313.6	*	*	Up	*
Average time for OATH Trials Division to issue decisions after records closed (business days)	16.61	33.43	33.47	31.44	35.96	*	*	Up	*

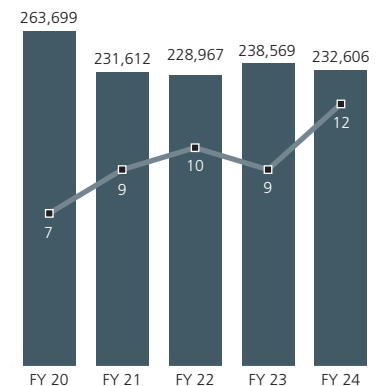
★ Critical Indicator    ● Equity Indicator    “NA” Not Available    ↑↓ Directional Target    \* None

## 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.

In Fiscal 2024, OATH received 850,256 summonses from City enforcement agencies, an 11 percent increase from Fiscal 2023, and 17 percent more summonses were processed by the OATH Hearings Division. Summonses processed are summonses that went to a hearing, defaulted, or had a motion to vacate a default filed requesting to reopen the case. This system allows for one summons to be received and processed multiple times. Similarly, in Fiscal 2024, 200,116 summonses were heard and received a decision, which represents a 10 percent increase from Fiscal 2023. In addition, Fiscal 2024 saw a 26 percent increase in “one-click” online hearing submissions compared to Fiscal 2023. Further, OATH encountered an increased proportion of complex cases that involve longer hearings and decisions that require more time to draft. Consistent with this, the average decision time increased from an average of 9 days in Fiscal 2023 to 12 days in Fiscal 2024. Notwithstanding these increases, all statutory deadlines for hearings and decisions were met.

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



In Fiscal 2024, the Help Center conducted 33,595 in-person or telephonic sessions with respondents, down from 38,435 in Fiscal 2023. However, Help Center assistance provided by both text message and email increased during the reporting period and this assistance is not counted as traditional help sessions. Additionally, the Hearings Division experienced an increase in respondents visiting OATH offices in person, requiring the Help Center to shift its assistance to checking-in respondents and aiding at customer service windows. To better illustrate and track the various methods of assistance its Help Center provides, OATH will be expanding its data reporting relating to Help Center operations in future reports.

Performance Indicators	Actual					Target		Trend	
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	5-Year	Desired Direction
Summonses received from the issuing agencies at OATH Hearings Division (total)	701,862	539,745	571,354	764,871	850,256	*	*	Up	*
Summonses Adjudicated (total)	263,699	231,612	228,967	238,569	232,606	*	*	Neutral	*
★ Pre-hearing activities at OATH Hearings Division (total)	238,791	180,628	193,455	263,343	285,592	*	*	Up	*
Summonses processed at OATH Hearings Division (total)	484,589	517,615	480,551	540,529	631,382	*	*	Up	*
Summonses with decision rendered at OATH Hearings Division	196,631	137,482	158,578	182,040	200,116	*	*	Up	*
★ Average time from OATH Hearings Division hearing assignment to decision rendered (calendar days)	7	9	10	9	12	*	*	Up	*
Defenses submitted by mail (%)	12.5%	1.7%	1.7%	1.5%	1.3%	*	*	Down	*
OATH hearings by phone (%)	39.0%	89.8%	87.5%	86.3%	83.9%	*	*	Up	*
OATH one-click online submissions (% of total remote hearings/submissions)	48.6%	8.5%	10.8%	12.3%	14.8%	*	*	Down	*
Help sessions conducted by OATH Help Centers	35,232	33,834	40,637	38,435	33,595	*	*	Neutral	*
Defenses submitted by mail	4,363	3,642	3,877	3,274	3,078	*	*	Down	*
Hearings by phone	13,647	197,873	196,407	189,541	192,166	*	*	Up	*
One-click online submissions	17,003	18,794	24,173	26,942	33,832	*	*	Up	*
Average days after emailed request is made to initiate Help Session	NA	NA	NA	0.37	0.40	*	*	NA	*
★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ⬆️⬆️ Directional Target    * None									

### SERVICE 3 Adjudicate due process complaints related to special education services.

**Goal 3a** Hear cases promptly and issue timely and fair decisions at the OATH Special Education Hearings Division.

The Special Education Hearings Division was established by Mayoral Executive Order 91 of 2021 and a memorandum of agreement executed by OATH, the City Department of Education (DOE), and the State Education Department. A parent who believes that DOE is not providing the appropriate special needs services for their child may file a due process complaint that will be adjudicated by OATH's Special Education Hearings Division (SEHD). The DOE also has the right to file a due process complaint under limited circumstances. Fiscal 2024 is the first full fiscal year of data measuring the performance at the SEHD, which began taking cases in Calendar 2022. In Fiscal 2024, 19,169 cases were assigned to the OATH Special Education Hearings Division. In addition, in Fiscal 2024 OATH conducted 14,489 settlement or other pre-trial conferences, held 19,764 hearing days on cases that did not settle, and closed 15,583 cases. After assignment, OATH Special Education Hearing Officers closed cases within an average of 85 days and closed 95 percent of all cases within the regulatory timeline.

Performance Indicators	Actual					Target		Trend	
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	5-Year	Desired Direction
Customer Experience	NA	NA	NA	NA	19,169	*	*	NA	*
Cases appointed to OATH Special Education Hearings Division	NA	NA	NA	NA	15,583	*	*	NA	*
Cases closed at OATH Special Education Hearings Division	NA	NA	NA	NA	16.93	*	*	NA	*
Average number of cases closed per Special Education Hearing Officer per month	NA	NA	NA	NA	95.28%	90.00%	90.00%	NA	*
★ Special education cases closed within regulatory timeframe (%)	NA	NA	NA	NA	84.53	105.00	105.00	NA	*
★ Average time from appointment of OATH Special Education Hearing Officer to case closure (calendar days)	NA	NA	NA	NA	14,489	*	*	NA	*
Settlement and other pre-trial conferences conducted for special education cases	NA	NA	NA	NA	19,764	*	*	NA	*
Special education hearings conducted	NA	NA	NA	NA	6,651	*	*	NA	*
Final decisions issued on the merits	NA	NA	NA	NA	93.07%	*	*	NA	*
Special education cases where parents are represented by counsel or other representative (% of total)	NA	NA	NA	NA	630	*	*	NA	*
Language services provided to parent	NA	NA	NA	NA	630	*	*	NA	*
★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ↑↓ Directional Target    * None									

## SERVICE 4 Provide conflict resolution services and restorative practices to City agencies and the public through OATH's Center for Creative Conflict Resolution.

### Goal 4a

Administer mediations, trainings, and restorative group sessions to restore interpersonal relationships between City employees who experience conflict at work and to support City residents and businesses who experience conflict with their neighbors or landlords.

Mediations administered to members of the public by the Center for Creative Conflict Resolution (Center) staff through the Mediating Establishment and Neighborhood Disputes (MEND) program increased 43 percent from seven in Fiscal 2023 to 10 in Fiscal 2024. The MEND program is designed for OATH to have oversight of the mechanics of the mediation program, which includes the initial intake process, getting all parties to agree to mediation, assigning cases to appropriate mediators, providing adequate training to mediators and intake staff, handling any follow-up with parties, post-mediation survey, and conducting ongoing quality control of all mediations handled under MEND. The Center for Creative Conflict Resolution at OATH assigns most mediation sessions to its external partner organizations, with the Center conducting the most complex, multi-party mediations with its own experts. Regarding those services provided by the Center to City agencies and employees, in Fiscal 2024 the Center administered 62 percent more mediations and 53 percent more trainings for City employees than in the prior fiscal year. Meanwhile, coaching sessions for City employees decreased by 10 percent in Fiscal 2024 from 79 sessions conducted in Fiscal 2023 to 71 coaching sessions in Fiscal 2024 and conflict resolution consultations for City employees and agencies decreased slightly from 338 consultations in Fiscal 2023 to 316 consultations provided in Fiscal 2024. These decreases are a factor of demand, as the Center's work with City agencies is determined by the types of services requested by City agencies. In Fiscal 2024, 95 percent of all people who received a service from the Center reported that they were satisfied by the service they received.

Performance Indicators	Actual					Target		Trend	
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	5-Year	Desired Direction
Customer Experience	NA	36	45	50	81	*	*	NA	*
Mediations administered for City employees	NA	36	51	55	84	*	*	NA	*
Conflict resolution trainings administered for City employees.	NA	69	69	79	71	*	*	NA	*
Coaching sessions for City personnel	NA	147	148	338	316	*	*	NA	*
Consultations for City personnel	NA	47	25	22	23	*	*	NA	*
Restorative group sessions	NA	12	12	7	10	*	*	NA	*
Mediations administered for members of the public	NA	NA	NA	97%	95%	*	*	NA	*
★ Participants who reported satisfaction with conflict resolution services	NA	NA	NA	97%	95%	*	*	NA	*
★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ↑↓ Directional Target    * None									

## AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Trend	
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	5-Year	Desired Direction
Customer Experience									
Completed customer requests for interpretation	12,940	6,300	8,541	8,778	11,466	*	*	Neutral	*
Letters responded to in 14 days (%)	100%	100%	100%	91.67%	100%	*	*	Neutral	Up
E-mails responded to in 14 days (%)	100%	100%	100%	99%	100%	*	*	Neutral	Up
CORE facility rating	100	NA	100	100	100	*	*	NA	Up
★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ↑↓ Directional Target    * None									

## AGENCY RESOURCES

Resource Indicators	Actual <sup>1</sup>					Plan <sup>2</sup>		5yr Trend
	FY20	FY21	FY22	FY23	FY24	FY24	FY25	
Expenditures (\$000,000) <sup>3</sup>	\$44.7	\$42.2	\$44.7	\$55.8	\$67.6	\$62.8	\$73.4	Up
Revenues (\$000,000)	\$145.2	\$120.3	\$136.3	\$137.1	\$146.3	\$143.4	\$144.1	Neutral
Personnel	365	350	379	429	458	537	556	Up
Overtime paid (\$000)	\$51	\$116	\$68	\$39	\$47	\$40	\$10	Down
<sup>1</sup> 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 <a href="http://nyc.gov/mmr">nyc.gov/mmr</a> for details. <sup>2</sup> Authorized Budget Level <sup>3</sup> 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 FY23 <sup>1</sup> (\$000,000)	Modified Budget FY24 <sup>2</sup> (\$000,000)	Applicable MMR Goals <sup>3</sup>
001 - Personal Services	\$41.5	\$52.2	All
002 - Other Than Personal Services	\$14.3	\$15.4	All
Agency Total	\$55.8	\$67.6	
<sup>1</sup> Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2023. Includes all funds. <sup>2</sup> City of New York Adopted Budget for Fiscal 2024, as of June 2024. Includes all funds. <sup>3</sup> Refer to agency goals listed at front of chapter.    "NA" Not Available    * None			

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- Fiscal 2023 data for 'Cases closed at OATH Trials Division' was updated from 4,185 to 3,874 after duplicated data was identified.
- The indicator 'Cases closed per Special Education Hearing Officer' was renamed to 'Average number of cases closed per Special Education Hearing Officer per month' to better reflect what the indicator encompasses.

## ADDITIONAL RESOURCES

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