

# 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 can 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 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 OATH Hearings Division.

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

Goal 3a Hear cases promptly and issue timely and fair decisions at 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 the first four months of Fiscal 2024, OATH’s Trials Division received 1,298 cases, six percent more than in the same period in Fiscal 2023. The total number of cases closed at the OATH Trials Division was down 21 percent across comparative reporting periods and the average decision time increased 23 percent, from 31 days to 38 days. The proportion of cases closed within 45 days was 86 percent, four percent fewer than the reporting period last year. Similarly, the total number of cases processed per Administrative Law Judge decreased 22 percent, from 99 to 77.6. Increases in decision time will vary depending on factors such as the nature and complexity of filed cases, the willingness of the parties to settle, and whether a case is subject to statutory resolution deadlines.
- Over the first four months of Fiscal 2024, OATH’s Hearings Division received over 280,000 summonses from issuing agencies, 26 percent more than over the same period in Fiscal 2023, due in part to increases in summonses filed by the Departments of Environmental Protection, Transportation, and Sanitation. As a result, the Hearings Division processed 19 percent more summonses. The number of summonses that had a hearing and decision increased by 20 percent to nearly 70,000. Due to the increases in summonses filed and hearings held, the Hearings Division average decision time increased from 9 days in the first four months of Fiscal 2023 to 12 days during the same period in Fiscal 2024.
- In the first four months of Fiscal 2024, OATH’s Help Center conducted 51 percent fewer Help Sessions than over the same period last year. This decrease is due to the Help Center having fewer available Procedural Justice Coordinators over the reporting period. There was also an increase in respondents visiting OATH offices in person requiring the Help Center to assist with check-in and at the customer service windows, rather than conducting help sessions. However, Help Center assistance provided by both text message and email increased during the reporting period and will be more specifically reported on in future reports.
- OATH facilitated 29 conflict resolution trainings for City employees over the first four months of Fiscal 2024, up from 18 facilitated over the first four months of Fiscal 2023. Coaching sessions and consultations for City personnel conversely decreased 14 percent and 18 percent, respectively. Consultations are down this year in comparison to Fiscal 2023 because consultations in Fiscal 2023 were unusually high due to introductory consultations mandated by Executive Order 63 which instructed each City agency to consult with the Center regarding restorative justice approaches, and how to incorporate them into their missions and work. Some of those consultations led to future trainings which were completed in the first four months of Fiscal 2024, resulting in the trending increase of that service. Coaching sessions are down due to a lack of requests from city agencies for that service.
- One mediation was administered to members of the public compared to three across the reporting periods. Additionally, the rate of satisfaction for recipients of conflict resolution services decreased from 98 percent to 79 percent due to one outlier satisfaction survey where the respondent gave a zero score, skewing the overall average satisfaction rate.

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

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

| Performance Indicators  | Actual |       |       | Target |      | 4-Month Actual |       |
|---|--------|-------|-------|--------|------|----------------|-------|
|   | FY21   | FY22  | FY23  | FY24   | FY25 | FY23           | FY24  |
| ★ OATH Trials Division cases with decisions issued within 45 business days (%)                | 85%    | 78%   | 89%   | ↑      | ↑    | 90%            | 86%   |
| ★ OATH Trials Division facts and conclusions adopted by agencies (%)                          | 99%    | 96%   | 99%   | 96%    | 96%  | 100%           | 100%  |
| OATH Trials Division settlement rate (%)  | 51%    | 57%   | 57%   | 55%    | 55%  | 52%            | 60%   |
| Cases filed at OATH Trials Division (total)   | 2,349  | 2,975 | 3,759 | *      | *    | 1,227          | 1,298 |
| Cases closed at OATH Trials Division (total)  | 2,257  | 2,748 | 4,185 | *      | *    | 1,392          | 1,107 |
| Cases processed per Administrative Law Judge (total)  | 184.6  | 178.7 | 324.2 | *      | *    | 99.0           | 77.6  |
| Average time for OATH Trials Division to issue decisions after records closed (business days) | 33.43  | 33.47 | 31.44 | *      | *    | 31.25          | 37.83 |

★ 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 OATH Hearings Division.

| Performance Indicators   | Actual  |         |         | Target |      | 4-Month Actual |         |
|--|---------|---------|---------|--------|------|----------------|---------|
|  | FY21    | FY22    | FY23    | FY24   | FY25 | FY23           | FY24    |
| Summons received from the issuing agencies at OATH Hearings Division (total)                               | 539,745 | 571,354 | 764,871 | *      | *    | 229,149        | 288,331 |
| Summons Adjudicated (total)  | 231,612 | 228,967 | 238,569 | *      | *    | 77,817         | 78,795  |
| ★ Pre-hearing activities at OATH Hearings Division (total)   | 180,628 | 193,455 | 263,343 | *      | *    | 86,499         | 101,077 |
| Summons processed at OATH Hearings Division (total)  | 517,615 | 480,551 | 540,529 | *      | *    | 180,300        | 214,107 |
| Summons with decision rendered at OATH Hearings Division   | 137,482 | 158,578 | 182,040 | *      | *    | 58,436         | 69,858  |
| ★ Average time from OATH Hearings Division hearing assignment to decision rendered (calendar days)         | 9       | 10      | 9       | *      | *    | 9              | 12      |
| Defenses submitted by mail (% of total remote hearings/submissions)  | 1.7%    | 1.7%    | 1.5%    | *      | *    | 1.6%           | 1.8%    |
| OATH hearings by phone (% of total remote hearings/submissions)  | 89.8%   | 87.5%   | 86.3%   | *      | *    | 88.3%          | 83.5%   |
| OATH one-click online submissions (% of total remote hearings/submissions)                                 | 8.5%    | 10.8%   | 12.3%   | *      | *    | 10.2%          | 14.7%   |
| Help sessions conducted by OATH Help Centers (total)   | 33,834  | 40,637  | 38,435  | *      | *    | 15,433         | 7,548   |
| Defenses submitted by mail   | 3,642   | 3,877   | 3,274   | *      | *    | 1,192          | 1,398   |
| Hearings by phone  | 197,873 | 196,407 | 189,541 | *      | *    | 67,887         | 65,205  |
| One-click online submissions   | 18,794  | 24,173  | 26,942  | *      | *    | 7,838          | 11,497  |
| Average days after emailed request is made to initiate Help Session  | NA      | NA      | 0.37    | *      | *    | 0.26           | 0.38    |
| ★ Critical Indicator      ● Equity Indicator      "NA" Not Available      ⇅ Directional Target      * None |         |         |         |        |      |                |         |

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

### Goal 3a

Hear cases promptly and issue timely and fair decisions at OATH Special Education Hearings Division.

| Performance Indicators   | Actual |      |      | Target |        | 4-Month Actual |        |
|--|--------|------|------|--------|--------|----------------|--------|
|  | FY21   | FY22 | FY23 | FY24   | FY25   | FY23           | FY24   |
| Cases appointed to OATH Special Education Hearings Division  | NA     | NA   | NA   | *      | *      | NA             | 8,149  |
| Cases closed at OATH Special Education Hearings Division   | NA     | NA   | NA   | *      | *      | NA             | 3,585  |
| Cases closed per Special Education Hearing Officer   | NA     | NA   | NA   | *      | *      | NA             | 13.63  |
| ★ Special education cases closed within regulatory timeframe (%)   | NA     | NA   | NA   | 90.00% | 90.00% | NA             | 96.71% |
| ★ Average time from appointment of OATH Special Education Hearing Officer to case closure (calendar days)  | NA     | NA   | NA   | 105.00 | 105.00 | NA             | 68.13  |
| Settlement and other pre-trial conferences conducted for special education cases                           | NA     | NA   | NA   | *      | *      | NA             | 4,896  |
| Special education hearings conducted   | NA     | NA   | NA   | *      | *      | NA             | 4,176  |
| Final decisions issued on the merits   | NA     | NA   | NA   | *      | *      | NA             | 878    |
| Special education cases where parents are represented by counsel or other representative (% of total)      | NA     | NA   | NA   | *      | *      | NA             | 94.36% |
| Language services provided to parent   | NA     | NA   | NA   | *      | *      | NA             | 238    |
| ★ 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.

| Performance Indicators   | Actual |      |      | Target |      | 4-Month Actual |      |
|--|--------|------|------|--------|------|----------------|------|
|  | FY21   | FY22 | FY23 | FY24   | FY25 | FY23           | FY24 |
| Mediations administered for City employees   | 36     | 45   | 50   | *      | *    | 16             | 24   |
| Conflict resolution trainings administered for City employees.                                       | 36     | 51   | 55   | *      | *    | 18             | 29   |
| Coaching sessions for City personnel   | 69     | 69   | 79   | *      | *    | 37             | 32   |
| Consultations for City personnel   | 147    | 148  | 338  | *      | *    | 102            | 84   |
| Restorative group sessions   | 47     | 25   | 22   | *      | *    | 3              | 8    |
| Mediations administered for members of the public  | 12     | 12   | 7    | *      | *    | 3              | 1    |
| ★ Participants who reported satisfaction with conflict resolution services (% of total participants) | NA     | NA   | 97%  | *      | *    | 98%            | 79%  |
| ★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ↑↓ Directional Target    * None  |        |      |      |        |      |                |      |

## AGENCY CUSTOMER SERVICE

| Performance Indicators  | Actual |       |        | Target |      | 4-Month Actual |       |
|---|--------|-------|--------|--------|------|----------------|-------|
|   | FY21   | FY22  | FY23   | FY24   | FY25 | FY23           | FY24  |
| Customer Experience   |        |       |        |        |      |                |       |
| Completed customer requests for interpretation  | 6,300  | 8,541 | 8,778  | *      | *    | 2,797          | 3,821 |
| Letters responded to in 14 days (%)   | 100%   | 100%  | 91.67% | *      | *    | 100%           | 100%  |
| E-mails responded to in 14 days (%)   | 100%   | 100%  | 99%    | *      | *    | 87%            | 100%  |
| CORE facility rating  | NA     | 100   | 100    | *      | *    | NA             | NA    |
| ★ Critical Indicator    ● Equity Indicator    "NA" Not Available    ↑↓ Directional Target    * None |        |       |        |        |      |                |       |

## AGENCY RESOURCES

| Resource Indicators   | Actual  |         |         | Sept. 2023 MMR Plan | Updated Plan      | Plan              | 4-Month Actual |        |
|---|---------|---------|---------|---------------------|-------------------|-------------------|----------------|--------|
|   | FY21    | FY22    | FY23    | FY24                | FY24 <sup>1</sup> | FY25 <sup>1</sup> | FY23           | FY24   |
| Expenditures (\$000,000) <sup>2</sup>   | \$42.2  | \$44.7  | \$55.8  | \$65.3              | \$62.8            | \$59.4            | \$18.2         | \$22.3 |
| Revenues (\$000,000)  | \$120.3 | \$136.3 | \$137.1 | \$143.4             | \$143.4           | \$143.1           | \$49.9         | \$51.0 |
| Personnel   | 350     | 379     | 429     | 569                 | 537               | 520               | 370            | 460    |
| Overtime paid (\$000)   | \$116   | \$68    | \$39    | \$50                | \$40              | \$10              | \$13           | \$46   |
| <sup>1</sup> January 2024 Financial Plan. <sup>2</sup> Expenditures include all funds    "NA" - Not Available |         |         |         |                     |                   |                   |                |        |

## 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<br>FY23 <sup>1</sup><br>(\$000,000) | January 2024 Financial Plan<br>FY24 <sup>2</sup><br>(\$000,000) | Applicable MMR Goals <sup>3</sup> |
|------------------------------------|--|---|-----------------------------------|
| 001 - Personal Services            | \$41.5   | \$47.4  | All                               |
| 002 - Other Than Personal Services | \$14.3   | \$15.4  | All                               |
| Agency Total                       | \$55.8   | \$62.8  |                                   |

<sup>1</sup>Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2023. Includes all funds. <sup>2</sup>Includes all funds. <sup>3</sup>Refer to agency goals listed at front of chapter. “NA” Not Available \* None

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- A new Service ‘Adjudicate due process complaints related to DOE special education services’ was added as Service 3. A new Goal, ‘Hear cases promptly and issue timely and fair decisions at the OATH Special Education Hearings Division,’ was added to the new Service 3 as Goal 3a. With the addition of this new service, the previously published Service 3, ‘Provide conflict resolution services and restorative practices to City agencies and the public through OATH’s Center for Creative Conflict Resolution,’ and its associated Goal published as Goal 3a, ‘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,’ have become Service 4 and Goal 4a.
- Preceding the Fiscal 2024 Preliminary Mayor’s Management Report, the Mayor’s Office of Operations implemented updated standards for indicator names. Minimal stylistic changes, such as the use of em-dashes, percent symbols and acronyms, were made to the names of previously published indicators here within.

## ADDITIONAL RESOURCES

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