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.

FOCUS ON EQUITY

OATH ensures equitable delivery of services to all New Yorkers by making fair, impartial hearings as accessible and as convenient as possible. In FY 2014, OATH made it easier for New Yorkers to contest violations by expanding the number and types of cases that could be adjudicated online, by phone or by mail to include all cases filed at the Health Tribunal and nearly 700 different types of cases that are filed at ECB. OATH also made it more convenient for outer-borough restaurant and business owners to appear in-person by completing the expansion of the Health Tribunal to all five boroughs. To assist anyone who receives a summons or ticket, OATH launched a multi-lingual, interactive telephone system that provides callers with case-specific information and detailed instructions that will help them navigate the hearing process. All information is available 24 hours a day, 7 days a week and in 8 different languages by calling 1-844-OATH-NYC.

OUR SERVICES AND GOALS

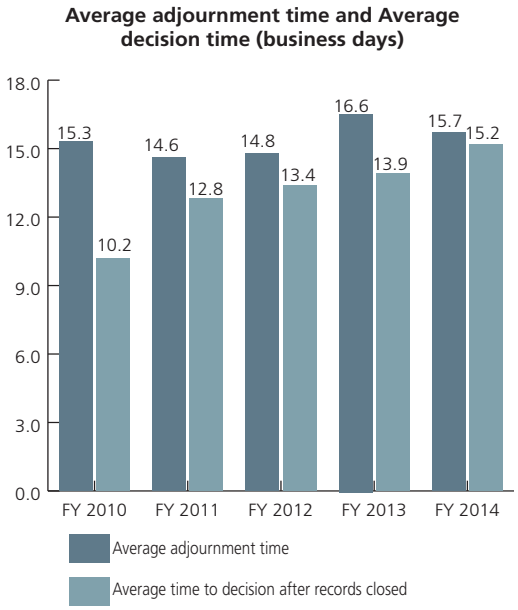
SERVICE 1	**Adjudicate the City's administrative matters.**
Goal 1a	Hear cases promptly and issue timely decisions at the OATH Tribunal.
SERVICE 2	**Adjudicate alleged violations of the City's local administrative laws.**
Goal 2a	Hear cases promptly and issue timely decisions at the Environmental Control Board (ECB), the OATH Health Tribunal and the OATH Taxi and Limousine Tribunal.

HOW WE PERFORMED IN FISCAL 2014

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 2014 despite the 13 percent increase in cases filed with the tribunal and the varying levels of complexity of those cases. In Fiscal 2014 the small increase to 15.2 days in the average time it took the OATH Tribunal to issue decisions after having the record closed, from 13.9 days the previous year, was due in part to adjusting to transition from an ACCESS database to a new electronic case management system developed specifically for the OATH Tribunal. This new system, based on established best practices, will streamline the tribunal's business processes, improve data collection and facilitate efficiencies. Additionally, the OATH Tribunal was relocated from Rector Street to a new office at 100 Church Street in March 2014. Despite these major changes, the tribunal decreased its average adjournment time from 16.6 days in Fiscal 2013 to 15.7 days in Fiscal 2014.



Performance Indicators	Actual					Target			
	FY10	FY11	FY12	FY13	FY14	FY14	FY15	Desired Direction	5yr Trend
★Average time for the OATH Tribunal to issue decisions after records closed (business days)	10.2	12.8	13.4	13.9	15.2	25.0	25.0	Down	Up
OATH Tribunal cases with decisions issued within 45 business days (%)	95%	96%	98%	98%	94%	*	*	Up	Neutral
OATH Tribunal facts and conclusions adopted by agencies (%)	99%	99%	98%	99%	98%	96%	96%	Up	Neutral
★Average adjournment time at the OATH Tribunal (business days)	15.3	14.6	14.8	16.6	15.7	20.0	20.0	Down	Neutral
OATH Tribunal settlement rate (%)	50%	51%	59%	59%	55%	55%	55%	Neutral	Up
Cases filed at the OATH Tribunal (total)	2,921	2,611	2,027	2,358	2,665	*	*	Neutral	Down
Cases closed at the OATH Tribunal (total)	2,910	2,588	2,001	2,326	2,425	*	*	Neutral	Down
Cases processed per ALJ (total)	207.7	188.7	179.3	183.0	187.0	*	*	Up	Neutral

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

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

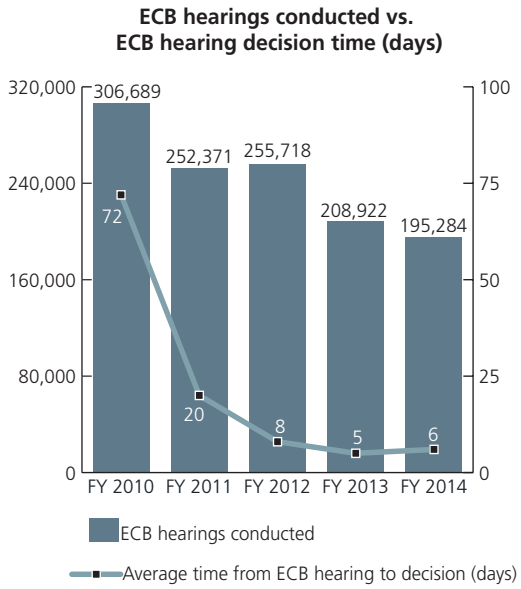
Goal 2a Hear cases promptly and issue timely decisions at the Environmental Control Board (ECB), the OATH Health Tribunal and the OATH Taxi & Limousine Tribunal.

In Fiscal 2014 the Environmental Control Board continued to meet its goal of providing timely hearings and decisions by keeping the average time from when an ECB hearing is assigned to when the decision is issued to six days, a small increase from its record level performance of five days in Fiscal 2013, but well below the target of 20 days. Compared to Fiscal 2010 the annual average time from ECB hearing to decision decreased by 92 percent from 72 days.

The number of Notices of Violation (NoVs) received by ECB from the City's enforcement agencies increased by 22 percent in Fiscal 2014 compared to Fiscal 2013. The total number of hearings conducted by ECB in Fiscal 2014 declined by seven percent compared to the previous fiscal year. This decrease was mostly due to a 25 percent decrease in Sanitation hearings.

In Fiscal 2014 the number of adjournments at the OATH Health Tribunal was 1,431, a decrease of 43 percent from 2,510 in Fiscal 2013. The number of Health Tribunal adjournments in Fiscal 2014 was 87 percent less than in Fiscal 2012, when

this tribunal had 10,875 adjournments. The decrease is due in large part to mandatory trainings that the judges at the OATH Health Tribunal have participated in since the Health Tribunal came under OATH's management in Fiscal 2012. Lower numbers of adjournments mean that fewer respondents are inconvenienced by having to return to the tribunal to have their hearing on another day.



In Fiscal 2014 the OATH Health Tribunal maintained its improved reschedule calendar with an average of 30 days for the time between the original and new hearing date when a case was rescheduled or adjourned. This is a decrease of 75 percent from Fiscal 2012, when the average number of days between such hearings was 120 days at the Health Tribunal.

Until January 2014 all respondents who wanted to reschedule a hearing before the OATH Health Tribunal had to fill out forms and wait until notification of their new hearing date was received in the mail. In January 2014 the OATH Health Tribunal began making the rescheduling process easier and faster for respondents. A respondent may still submit a reschedule request online or through the mail, but now respondents can come to this tribunal to reschedule their cases, submit their form and get the new hearing date while they are there. Same day rescheduling has gained popularity at the tribunal. In the second half of Fiscal 2013 95 percent of respondents opted to drop off their rescheduling forms and wait to receive their new hearing date by mail. During the same period in Fiscal 2014, only 37 percent chose to receive their notification by mail, whereas 44 percent preferred to have their cases rescheduled at the Health Tribunal the same day.

The number of hearings conducted by the OATH Health Tribunal increased by five percent in Fiscal 2014 compared to Fiscal 2013, even as the number of dockets received decreased by four percent during the same time period. The number of decisions rendered by the OATH Health Tribunal increased by nine percent when compared to Fiscal 2013. Of all the cases heard at the Health Tribunal in Fiscal 2014 95 percent of decisions were issued the same day as the hearing.

In Fiscal 2014 the average turnaround time for Appeals cases – the time from when an appeal is received to when a decision is rendered – improved or increased only slightly at each OATH administrative law tribunal when compared to the previous year. The Appeals Unit at ECB reduced its average turnaround time to 83 days, the lowest ever achieved by the unit and a 22 percent reduction from 107 in Fiscal 2013. The OATH Health Tribunal Appeals Unit achieved an average turnaround time of 41 days in Fiscal 2014, a reduction of 18 percent from 50 days in Fiscal 2013. The average turnaround time at the OATH Taxi Tribunal Appeals Unit was 31 days in Fiscal 2014, up from 28 days in Fiscal 2013, but still within the goal for the unit. The restructured administrative teams in each of these tribunals continue to benefit from the expertise gained under OATH management.

In Fiscal 2014 the OATH Taxi & Limousine Tribunal introduced new practice rules. As a result of these changes, it is simpler for respondents to vacate default decisions and obtain new hearings. The new rules also made it easier to reschedule a case by removing the need for the request to be made before the first hearing date. Rescheduling requests for this tribunal may now be made online, in person or over the telephone, consistent with the other tribunals at OATH.

Performance Indicators	Actual					Target			
	FY10	FY11	FY12	FY13	FY14	FY14	FY15	Desired Direction	5yr Trend
Notices of Violation (NOV) received by ECB Tribunal	694,273	562,418	563,477	464,666	566,566	*	*	Neutral	Down
ECB Tribunal hearings conducted	306,689	252,371	255,718	208,922	195,284	*	*	Neutral	Down
★Average time from ECB Tribunal hearing assignment to decision (days)	72	20	8	5	6	20	20	Down	Down
ECB Tribunal cases with decisions issued within 45 business days of hearing assignment (%)	NA	NA	NA	99.7%	99.9%	*	*	Up	NA
★ECB Tribunal decisions rendered	204,192	178,872	172,409	141,371	142,390	*	*	Neutral	Down
Dockets received by the OATH Health Tribunal	NA	NA	NA	41,772	40,255	*	*	Neutral	NA
OATH Health Tribunal hearings conducted	NA	NA	NA	36,187	37,932	*	*	Neutral	NA
★OATH Health Tribunal decisions rendered	NA	NA	NA	23,787	26,043	*	*	Neutral	NA
Summonses received by the OATH Taxi Tribunal	NA	NA	NA	NA	97,392	*	*	Neutral	NA
OATH Taxi Tribunal hearings conducted	NA	NA	NA	NA	59,929	*	*	Neutral	NA
★OATH Taxi Tribunal decisions rendered	NA	NA	NA	NA	50,264	*	*	Neutral	NA

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

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target			
Customer Experience	FY10	FY11	FY12	FY13	FY14	FY14	FY15	Desired Direction	5yr Trend
Completed customer requests for interpretation	6,864	8,104	7,423	8,734	9,240	*	*	Neutral	Up
Letters responded to in 14 days (%)	NA	82.7%	98%	99.7%	100%	*	*	Up	NA
E-mails responded to in 14 days (%)	NA	NA	NA	100%	100%	*	*	Up	NA
CORE facility rating	NA	86	87	90	97	*	*	Up	NA

AGENCY RESOURCES

Resource Indicators	Actual					Plan[1]		
	FY10	FY11	FY12	FY13	FY14	FY14	FY15	5-year Trend
Expenditures ($000,000)[2]	$24.0	$23.3	$30.5	$30.7	$33.4	$35.2	$35.5	Up
Revenues ($000,000)	$0.0	$87.2	$159.8	$135.7	$137.4	$130.8	$126.7	Up
Personnel	279	270	372	368	358	458	458	Up
Overtime paid ($000)	$33	$29	$0	$39	$40	$40	$40	Up

[1]Authorized Budget Level "NA" - Not Available in this report [2]Expenditures include all funds.

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

None.

ADDITIONAL RESOURCES

For additional information, go to:

- Hearing data:
  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
- Taxi & Limousine Tribunal data:
  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

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