

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 responsible for adjudicating City matters: the OATH Trials Division and the OATH 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 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, paid sick day violations and/or fair workweek violations and human rights violations under the City Human Rights Law. Trials are conducted by Administrative Law Judges who are appointed to five-year terms. Hearings are conducted by Hearing Officers 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 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

During the COVID-19 pandemic, OATH remained fully operational, providing New Yorkers with access to justice by leveraging remote methods to appear for trials, hearings, settlement conferences, mediations, and Help Center sessions, in an effort to ensure that New Yorkers stayed safe and healthy while still being able to access their day in court. In Fiscal 2021, OATH launched a small business unit within its Help Center to assist small businesses that receive summonses to help ensure that they were also provided with information about and given the opportunity to take advantage of benefits offered by the City's Department of Small Business Services. Recognizing that respondents may be transient during the pandemic and may not be receiving mail promptly, OATH launched a text message system to allow respondents to get reminders of their upcoming hearings along with instructions on what they must do in order to have their remote hearing. Finally, in Fiscal 2021, OATH's Center for Creative Conflict Resolution launched its first public-facing program, Mediating Establishment and Neighborhood Disputes (MEND) NYC, a program meant to bring free mediation and conflict resolution services to New Yorkers facing quality of life issues from neighboring businesses in the hospitality industry such as restaurants and bars. OATH later expanded MEND NYC to provide mediation services to small businesses who were experiencing issues with their commercial landlords such as lease negotiations. Free mediation provides a way to address quality of life issues experienced by New Yorkers while simultaneously reducing the likelihood that a business gets inspected by enforcement agencies and issued a summons with the potential of burdening a neighborhood business with hefty fines.

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.

SERVICE 3 Provide conflict resolution services and restorative practices to City agencies and the public through OATH's Center for Creative Conflict Resolution.

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.

HOW WE PERFORMED IN FISCAL 2021

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.

Despite the pandemic, there were 104 more petitions filed at the OATH Trials Division in Fiscal 2021 as compared to the previous year. The OATH Trials Division successfully managed a shift to conducting settlement conferences and trials by video. While this contributed to an increase in the average time from the close of record to decision issuance, from 5.46 days in Fiscal 2020 to 8.85 days in Fiscal 2021, the Trials Division was nonetheless able to close more cases in FY21 than it did in the prior year.

With the addition of newly appointed Administrative Law Judges (ALJ), the Trials Division was able to keep its case load per judge steady with each ALJ processing 185 cases on average in Fiscal 2021 compared with an average of 186 cases per ALJ the year before.

Performance Indicators	Actual					Target		Trend	
	FY17	FY18	FY19	FY20	FY21	FY21	FY22	5-Year	Desired Direction
OATH Trials Division cases with decisions issued within 45 business days (%)	93%	91%	90%	90%	85%	*	*	Neutral	Up
★ OATH Trials Division facts and conclusions adopted by agencies (%)	99%	99%	100%	98%	99%	96%	96%	Neutral	Up
OATH Trials Division settlement rate (%)	59%	57%	54%	52%	51%	55%	55%	Down	*
Cases filed at the OATH Trials Division (total)	2,661	2,836	2,691	2,245	2,349	*	*	Down	*
Cases closed at the OATH Trials Division (total)	2,668	2,677	2,660	2,118	2,257	*	*	Down	*
★ Cases processed per ALJ (total)	189.6	202.0	206.8	186.2	184.6	↑	↑	Neutral	Up
Average time for the OATH Trials Division to issue decisions after records closed (business days)	5.2	4.0	4.2	5.5	8.9	15.0	15.0	Up	Down

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

SERVICE 2 Adjudicate alleged violations of City administrative laws.

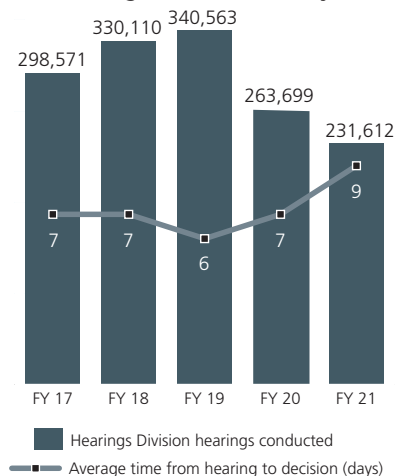
Goal 2a Hear cases promptly and issue timely and fair decisions at the OATH Hearings Division.

In Fiscal 2021, the total number of summonses received from City enforcement agencies by the OATH Hearings Division decreased by 23 percent compared to the year before.

OATH remained operational during the pandemic by adjudicating all cases remotely either by having a hearing with the parties by phone or, in eligible cases, with the respondent submitting their defense in writing either online or by mail. In Fiscal 2021, the number of OATH's hearings that were conducted by phone increased by 1,350 percent compared to Fiscal 2020.

Despite the decrease in summonses received, the OATH Help Center conducted nearly the same amount of Help Sessions during Fiscal 2021 as they did in Fiscal Year 2020, with nearly all the 33,834 Help Sessions conducted remotely in Fiscal 2021.

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



Performance Indicators	Actual					Target		Trend	
	FY17	FY18	FY19	FY20	FY21	FY21	FY22	5-Year	Desired Direction
Total summonses received from the issuing agencies at the OATH Hearings Division	846,999	879,096	837,778	701,862	539,745	*	*	Down	*
Total Summonses Adjudicated	298,571	330,110	340,563	263,699	231,612	*	*	Down	*
★ Total number of pre-hearing activities at the OATH Hearings Division	313,665	290,437	295,440	238,791	180,628	*	*	Down	*
Total summonses processed at the OATH Hearings Division	633,596	658,245	663,327	484,589	517,615	*	*	Down	*
★ Summonses with decision rendered at the OATH Hearings Division	207,723	248,438	261,906	196,631	137,482	*	*	Down	*
★ Average time from OATH Hearings Division hearing assignment to decision rendered (days)	7	7	6	7	9	*	*	Up	*
Defenses submitted by mail (% of total remote hearings/submissions)	32.3%	19.9%	14.3%	12.5%	1.7%	*	*	Down	*
OATH hearings by phone (% of total remote hearings/submissions)	15.5%	19.2%	18.4%	39.0%	89.8%	*	*	Up	*
OATH one-click online submissions (% of total remote hearings/submissions)	52.2%	60.9%	67.3%	48.6%	8.5%	*	*	Down	*
Total number of help sessions conducted by OATH Help Centers	NA	NA	NA	35,232	33,834	*	*	NA	*
Defenses submitted by mail	NA	NA	NA	4,363	3,642	*	*	NA	*
Hearings by phone	NA	NA	NA	13,647	197,873	*	*	NA	*
One-click online submissions	NA	NA	NA	17,003	18,794	*	*	NA	*
★ Critical Indicator ● Equity Indicator "NA" Not Available ↑↓ Directional Target * None									

SERVICE 3 Provide conflict resolution services and restorative practices to City agencies and the public through OATH's Center for Creative Conflict Resolution.

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.

On February 18, 2021, Mayor de Blasio signed Executive Order 63 of 2021, establishing the Center for Creative Conflict Resolution and directing the creation of an Advisory Board on Creative Conflict Resolution.

The Center for Creative Conflict Resolution used videoconferencing technology to remain operational during the pandemic in Fiscal 2021. This allowed the small staff at the Center to double its conflict resolution trainings for City personnel and more than triple the number of restorative circles and group facilitations and City personnel consultations it provided in Fiscal 2021 as compared to the year before.

In Fiscal 2021, for the first time ever, the Center expanded its services to include mediations for members of the public who are in conflict.

Performance Indicators	Actual					Target		Trend	
	FY17	FY18	FY19	FY20	FY21	FY21	FY22	5-Year	Desired Direction
Customer Experience									
Mediations administered for City employees	NA	NA	NA	NA	36	*	*	NA	*
Conflict resolution trainings administered for City employees.	NA	NA	NA	NA	36	*	*	NA	*
Coaching sessions for City personnel	NA	NA	NA	NA	69	*	*	NA	*
Consultations for City personnel	NA	NA	NA	NA	147	*	*	NA	*
Restorative group sessions	NA	NA	NA	NA	47	*	*	NA	*
Mediations administered for members of the public	NA	NA	NA	NA	12	*	*	NA	*
★ Critical Indicator ● Equity Indicator "NA" Not Available ↑↓ Directional Target * None									

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Trend	
	FY17	FY18	FY19	FY20	FY21	FY21	FY22	5-Year	Desired Direction
Customer Experience									
Mediations administered for City employees	NA	NA	NA	NA	36	*	*	NA	*
Conflict resolution trainings administered for City employees.	NA	NA	NA	NA	36	*	*	NA	*
Coaching sessions for City personnel	NA	NA	NA	NA	69	*	*	NA	*
Consultations for City personnel	NA	NA	NA	NA	147	*	*	NA	*
Restorative group sessions	NA	NA	NA	NA	47	*	*	NA	*
Mediations administered for members of the public	NA	NA	NA	NA	12	*	*	NA	*
★ Critical Indicator ● Equity Indicator "NA" Not Available ⇅ Directional Target * None									

AGENCY RESOURCES

Resource Indicators	Actual ¹					Plan ²		5yr Trend
	FY17	FY18	FY19	FY20	FY21	FY21	FY22	
Expenditures (\$000,000) ³	\$39.0	\$44.4	\$47.1	\$44.7	\$43.6	\$46.5	\$52.0	Up
Revenues (\$000,000)	\$147.5	\$157.8	\$175.2	\$145.2	\$120.1	\$110.4	\$135.0	Down
Personnel	380	393	409	365	350	449	484	Neutral
Overtime paid (\$000)	\$51	\$68	\$47	\$51.0	\$58	\$50.0	\$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 FY20 ¹ (\$000,000)	Modified Budget FY21 ² (\$000,000)	Applicable MMR Goals ³
001 - Personal Services	\$34.4	\$32.1	All
002 - Other Than Personal Services	\$10.3	\$11.5	All
Agency Total	\$44.7	\$43.6	
¹ Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2020. Includes all funds. ² City of New York Adopted Budget for Fiscal 2021, as of June 2021. Includes all funds. ³ Refer to agency goals listed at front of chapter. "NA" Not Available * None			

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- Equity NYC indicators are identified with a burst (●). These indicators are also reported in the Social Indicators and Equity Report (SIER) and explore the economic, social, environmental, and physical health of New York City across race/ethnicity, gender, location, and income.

ADDITIONAL RESOURCES

For additional information go to:

- The Social Indicators and Equity Report, EquityNYC:
<http://equity.nyc.gov/>

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