



# Office of Administrative Hearings (OAH) FY2016 Performance Accountability Report (PAR)

## **Introduction**

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

## **Mission**

The mission of the Office of Administrative Hearings (OAH) is to provide the District of Columbia's citizens and government agencies with a fair, efficient and effective forum to manage and resolve administrative disputes.

## **Summary of Services**

OAH is an impartial, independent agency which adjudicates cases for over 40 District of Columbia agencies, boards and commissions. OAH holds hearings, conducts mediations and provides other adjudication services to resolve disputes arising under the District's laws and regulations.

## Overview – Agency Performance

The following section provides a summary of OAH performance in FY 2016 by listing OAH’s top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

### Top Agency Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Five new administrative law judges were appointed and began work. A comprehensive training program was created. Training sessions lead by ALJs experienced in particular areas were conducted. The new judges have been assigned to jurisdictional clusters and have begun to hear cases and issue orders.	Several new judges replaced judges who had left OAH. The additional judges allow the case load to be spread more evenly among the judges.	Additional judges should decrease the amount of time a resident has to wait for a hearing and a Final Order.
The legal assistants in the Clerk of Court’s Office were re-assigned to echo the jurisdictional clusters and make processing of cases more efficient. A new Clerk of Court has taken over management of the area.	The new Clerk of Court brings a fresh eye to OAH operations. Organizing by jurisdictional clusters should allow the legal assistants to develop expertise in specific areas and handle cases more efficiently. An inefficient Clerk’s Office may squander gains made by ALJs in moving cases to completion.	Changes in the Clerk’s Office are designed to support the changes made in the organization of the ALJs. The legal assistant is an important link in getting to the parties Final Orders involving areas such as public benefits, unemployment insurance, and rental housing. As noted above, many OAH orders have a direct and significant impact on the lives of the litigants.
As of February 1, 2016, OAH revised the allocation of jurisdictions and the assignment of administrative law judges (ALJs) into them. Four “clusters” of jurisdictions were created; the ALJs were divided among the four and hear cases in certain related areas. All ALJs were assigned caseloads in the largest jurisdiction, the Department of Public Works.	In coordination with the Clerk’s Office, cases are assigned through the PALJs in a manner that distributes them equally throughout each new jurisdiction, meaning that judges should have about the same number of matters and the same kinds of cases for adjudication in the newly assigned areas. Every judge handles all the types of cases that are part of his/her jurisdiction.	The changes should make OAH more efficient and responsive to OAH litigants, many of whom rely on OAH to make timely, reasoned decisions that have significant and direct impacts on their lives.

In FY 2016, OAH had 15 Key Performance Indicators. Of those, 4 were neutral. Of the remaining measures, 91% (10 KPIs) were met, 9% (1 KPIs) were nearly met, and 0% (0 KPIs) were unmet. In FY 2016, OAH had 16 Initiatives. Of those, 75% (12) were completed and 19% (3) were nearly completed, and 6% (1) were not completed. The next sections provide greater detail on the specific metrics and initiatives for OAH in FY 2016.

## FY16 Objectives

Division	Objective
Clerk of Court	Improve the experience of participants in administrative hearings through quality customer service.
Clerk of Court	Increase the efficiency and standardization of case intake through the creation and use of improved intake forms.
Clerk of Court	Improve case-flow management.
Court Counsel	Improve the experience of participants who are limited or non-English proficient.
Court Counsel	Provide legal research and advice to the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges.
Executive	Oversee and facilitate the coordination of interagency activities and initiatives between OAH and other District agencies.
Executive	Oversee and facilitate the coordination of OAH staff training and knowledge sharing to improve operational efficiency and case management.
Judicial	Increase the clearance rate of cases disposed

## FY16 KPIs

Objective: Improve case-flow management.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent compliance with established time frames for case file retrieval	80	A					57.1	Neutral Measure	

Objective: Improve the experience of participants in administrative hearings through quality customer service.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of customer satisfaction surveys with a rating of at least 'Agree' regarding the level of quality of customer service	97	Q	95.83			100	97.5	Met	

Objective: Improve the experience of participants who are limited or non-English proficient.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of new staff trained in Language Access	90	A					100	Met	
Number of translated versions of vital documents available to public	25	Q	12	18	4		34	Neutral Measure	

Objective: Increase the clearance rate of cases disposed

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Of all cases closed in the fiscal year, what percentage was closed within 1 year?	95	Q	98.1	99.54	98.95	98.91	98.9	Met	
Of all the cases closed in the fiscal year, what percentage resulted in successful mediation?	20	Q	39.13	54.29	41.38	76.12	59.1	Met	
Percentage of all unemployment insurance cases closed within the fiscal year that were closed within 90 days of filing	95	Q	98.89	97.92	99.6	99.26	98.9	Met	
Of all non-unemployment insurance cases closed in the fiscal year, what percentage was closed within 120 days?	81	Q	71.05	73.09	83.2	86.63	78.5	Nearly Met	

Objective: Increase the efficiency and standardization of case intake through the creation and use of improved intake forms.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of OAH staff trained in eTims, the case management system for DCTC cases	90	A					91.3	Met	
Complete development and implementation of new intake forms by case	80	A					80	Neutral Measure	

Objective: Oversee and facilitate the coordination of interagency activities and initiatives between OAH and other District agencies.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of stakeholder agency contacts collaborating with OAH to manage caseloads and operations efficiently	85	A					96.4	Met	

Objective: Oversee and facilitate the coordination of OAH staff training and knowledge sharing to improve operational efficiency and case management.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of OAH staff that received basic or advanced eCourt Training	10	A					21.7	Met	

Objective: Provide legal research and advice to the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percentage of non-expedited legal research projects completed within 30 days of request	80	Q		83.33	83.33		916.7	Met	
Percentage of expedited legal research projects completed within deadline provided	80	Q		66.67	66.67		900	Met	
Number of attorneys who complete rulemaking training	7	A	1	6				Neutral Measure	

## FY16 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	Total
The percentage of all Notice of Infraction/Notice of Violation cases closed in fiscal year that the District government prevailed	NA	98.2			76.45	
Number of Appeals to DC Court of Appeals (by Calendar Year)	NA				60	
Number of Cases Filed	Q	4,432	3,749	4,463	5,540	18,184
Number of Hearings Held (Not mediations)	Q	2,058	1,706	1,555	1,424	6,743
Number of consumer complaints	Q			5	4	9
Number of Cases Closed	Q	5,098	4,179	5,079	4,867	19,223
Number of Cases Dismissed (including voluntary dismissals)	Q	577	700	564	871	2,712

## FY16 Initiatives

### **Title: Roll out specialized customer service training to all Clerk of Court staff that serve as OAH's primary customer service interface.**

**Description:** In FY12, OAH revised its Customer Service Survey with the goal of measuring the satisfaction of litigants coming before OAH in four general areas: 1) hearing facilities; 2) the Clerk's Office; 3) Administrative Law Judges; and 4) the hearing process. In FY14, OAH provided staff specialized customer service training; and OAH placed signs in the agency's high traffic areas to encourage survey completion. In FY16, OAH will place survey kiosks in its reception area and Resource Center area. The kiosks will provide web-based customer satisfaction surveys to facilitate timely feedback and allow OAH to respond more expeditiously to customer concerns. In addition, OAH will renew and/or upgrade the customer service training for better responsiveness to the litigants.

**Complete to Date:** 75-99%

**Status Update:** Specialized customer service training was provided to all Clerk of Court staff that serve as OAH's primary customer service interface. The Customer Satisfaction Survey Forms were revised and distributed to litigants so that they could rate their overall experience at OAH. Additionally, survey kiosks were ordered, delivered, and tested. The kiosks are ready for implementation and will be placed in the agency's high traffic areas in FY17.

**If Incomplete, Explanation:** OAH received the kiosks late in the fiscal year. The software had to be tested before placing the survey kiosks in the reception area and Resource Center.

### **Title: Develop improved intake forms for various kinds of cases**

**Description:** Most of OAH's litigants are self-represented and have little experience in adjudicative hearings in certain types of public benefit cases, the law requires OAH to process verbal requests for appeal over the telephone. For the convenience of litigants, requests for appeal in any case in OAH's jurisdiction may be made by email or fax. Many of the OAH intake forms currently used by the Clerk's office do not elicit relevant or complete information and their use is uneven because of nature of the particular proceeding or because more standardization would makes these forms more helpful. Therefore, Clerks who take requests for appeal do not collect accurate and complete information concerning the reason for the appeal. The absence of or inadequacy of such information at the intake stage of a case may negatively impact and delay a hearing or otherwise complicate a case's resolution. In conjunction with the Judicial Division, the OAH Clerk of Court will develop and test new, more standardized and helpful intake forms to improve efficiency and make the hearing process more accessible to litigants. Implementation of the improved forms is expected to educate self-represented litigants about the factual framework and legal issues relevant to their cases and, in turn, expedite disposition of the cases in FY16.

**Complete to Date:** Complete

**Status Update:** The OAH has increased the efficiency and standardization of case intake through the creation and use of improved intake forms. Many of the agency forms and vital documents have been translated into Spanish and Amharic. The multi-lingual forms are available on the website and in the Resource Center.

### **Title: Train Clerk of Court staff on the use of the revised intake forms.**

**Description:** Clerk of Court staff, especially staff serving in the OAH Resource Center, must be trained on the structure and content of the forms. Part of the exercise will include seeking input from the ALJs and the Clerk's Office staff to develop the forms and identify the best ways to train staff. The Clerk of Court will monitor implementation to ensure that forms are capturing the required information.

**Complete to Date:** Complete

**Status Update:** The ALJs and the Clerk's Office staff gave valuable input regarding the development of the forms. After the forms were revised, the staff was trained on the structure and content of the forms. The Clerk of Court and Deputy Clerks will continue to monitor implementation to ensure the forms are capturing necessary information.

**Title: Improve the efficiency of case-flow management.**

**Description:** In FY 2015, the Clerk of Court initiated an office-wide reorganization to eliminate redundancy, enhance accountability, streamline processes, and clarify responsibilities in how cases are handled. Internal operating procedures will be standardized as much as possible as part of a broader restructuring of the Clerk's Office how the judges are assigned cases. Eventually electronic workflows will be developed to make processing cases more efficient while reducing errors. The Clerk of Court will monitor implementation, oversee training, and measure results.

**Complete to Date:** Complete

**Status Update:** In FY2016, OAH hired a new Clerk of Court. The Legal Assistants were re-organized to match the new jurisdictional clusters. The Clerk of Court is responsible for ensuring that the Legal Assistants process cases filed in their assigned jurisdictions.

**Title: Increase the number of OAH forms translated into foreign languages, enhancing access to information and services for participants who are limited or non-English proficient.**

**Description:** The OAH Resource Center provides self-represented litigants with information and assistance concerning their OAH cases without giving prohibited legal advice. An Attorney Advisor supervises the Resource Center and oversees OAH's access to justice and language access initiatives. During walk-in interview hours, self-represented litigants can meet with Resource Center staff or supervised attorney volunteers to receive legal information and other informational brochures, many of which are available in multiple languages. In addition, OAH's website provides access to information, case materials, and forms in multiple languages. This initiative is designed to provide core information about the agency in all six primary languages listed in the Language Access Act. Translated versions of vital documents will also be available on the appropriate language page, so as to make access to this information easier for users whose first language is not English.

**Complete to Date:** 75-99%

**Status Update:** OAH has recently translated OAH forms into Amharic and identified a new Language Access Coordinator who works in the Resource Center with individuals with Limited English Proficiency. An OAH brochure in English and Spanish is attached to notices of violation whenever an agency issues one. Additionally, OAH currently includes tag lines in many of its Orders in six (6) different languages that explain how to obtain translation of the Order. General information can currently be viewed in Spanish, Amharic, and Mandarin on the OAH website.

**If Incomplete, Explanation:** OAH has not completed adding translated versions of vital documents to individual language pages on the website. All translated documents appear with their English counterparts where the documents' use is described. Once the recently-hired IT Manager has been trained in maintenance of the website, links will be added to the relevant pages.

**Title: Improve OAH efficiency and responsiveness by having all agency attorneys trained in the District of Columbia's rulemaking process.**

**Description:** The rulemaking process can be difficult to understand and use without proper training. This affects OAH because agencies regularly enact rules that require OAH to change its own rules and procedures. As in years past, in FY2016, the Office of Attorney General, Legal Counsel Division will conduct training sessions that address rulemaking mechanics and procedures, explaining the substantive legal review procedure, the policy review process, the statutory requirements of the District's Administrative Procedures Act, and emerging issues. This initiative will be considered successful if, by the end of the fiscal year, all agency attorneys have completed the training and are comfortable with the rulemaking process for the benefit of the agency.

**Complete to Date:** 50-74%

**Status Update:** One attorney and three law clerks attended formal training on the Home Rule Act led by the Office of the Attorney General. Another attorney attended two three hour D.C. Bar CLE workshops on statute and regulation drafting. The attorneys assigned to the Rules Committee have close contacts with the Office of Documents to ensure OAH rules are presented for publication correctly.

**If Incomplete, Explanation:** All attorneys have a generalized knowledge regarding the rulemaking mechanics and procedures, the policy review process, and the statutory requirements of the District's Administrative Procedures Act. OAH did not monitor training schedules closely enough to train all attorneys within FY2016.



**Title: Coordinate with the Board of Ethics and Government Accountability (BEGA) to obtain ethics training and, where necessary, provide timely and reliable oral and written ethics advice.**

**Description:** In FY2016, the Court Counsel Division will coordinate with BEGA to train all agency employees, and organize a special training with an emphasis on ethical obligations for attorneys. The Court Counsel Division will also coordinate with BEGA, where necessary, to obtain timely, reliable oral and written advice on government ethics to those agency employees who request it, and assist agency employees to comply with the new financial disclosures requirements enforced by BEGA. This initiative will be considered successful if the Court Counsel Division arranges BEGA training for all agency staff by the end of the fiscal year and provides responses to ethics and financial disclosure inquiries orally or in writing within 21 days of the request.

**Complete to Date:** Complete

**Status Update:** Two ethics training led by BEGA were held during Fiscal Year 2016, one for the supporting administrative staff and one for the judges and the attorneys. Employees may make inquiries about ethics or financial disclosure requirements. The General Counsel's Office answers the questions within 21 days. All employees have a copy of the BEGA ethics manual and website information for further questions or concerns. A separate OAH Ethics Committee provides informal and formal answers to ALJ's questions on ethics issues.

**Title: Complete legal research assignments timely.**

**Description:** In FY2016, the [Court Counsel Division] will coordinate with the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges to provide timely, reliable oral and written advice on legal research assignments in order to meet agency-wide needs and case-specific requirements. The Court Counsel Division will also provide expedited review and drafting assistance for any emergency project. This initiative will be considered successful if the Court Counsel Division provides responses within 30 days of the request (if no other deadline exists).

**Complete to Date:** Complete

**Status Update:** There are 13 individuals in the Office of the General Counsel, excluding the General Counsel herself. Each 'cluster' of jurisdictions' has an Attorney and a Paralegal Specialist attached to it. Legal research projects are assigned to either an attorney or law clerk who must complete the assignment within 30 days. Emergency projects are assigned to attorneys or law clerks, depending on the level of difficulty and complexity of the task. These assignments must be completed and sent to the Judge within the timeline requested.

**Title: Ensure the update of OAH's website to facilitate the payment of Notice of Infraction tickets for DCTC.**

**Description:** The OAH Establishment Act gave OAH authority to adjudicate all District of Columbia Taxicab Commission (DCTC) cases as of October 1, 2004. See D.C. Official Code Section 2- 1831.03(b)(3). Despite this authority, only 181 DCTC cases have been filed at OAH since FY05. The vast majority of DCTC cases continued to be heard by Department of Motor Vehicles (DMV) pursuant to a Memorandum of Understanding between DMV and DCTC. In FY13, due to concerns about its on-going authority to adjudicate DCTC cases as well as resource limitations, the OCA directed that all DCTC cases be heard by OAH consistent with the OAH Act. The Office updated its website in FY14 by placing links to the DMV website for payment of taxicab tickets. In addition, information directing litigants to OAH's website will be included on the newly printed Notice of Infraction tickets for DCTC. In FY16, the expected outcome will be a reduction in the number of backlogged cases and user friendly access for litigants in the payment of taxicab tickets by way of OAH's website.

**Complete to Date:** Complete

**Status Update:** OAH's website has a fully functional link to the DMV website for payment of fines for Notices of Infraction issued by the Department of For-Hire Vehicles and other enforcement agencies.

**Title: Train OAH staff on use of eTims, the case management system for DC Taxicab Commission cases.**

**Description:** OAH will train support staff and Administrative Law Judges in the use of eTims, the new case management system for these cases.

**Complete to Date:** Complete

**Status Update:** As part of its adjudication of Notices of Infraction issued to District of Columbia taxicab drivers, OAH uses the computerized ticket management system the Department of Motor Vehicles uses for tickets. XEROX is the developer and manager. All administrative law judges and support staff involved in these cases, as well as Resource Center staff, have been trained in eTIMs. OAH considers the training initiative complete, while recognizing that there are on-going problems with the system itself.

**Title: Collaborate with District government stakeholder agencies to anticipate caseload changes and to ensure the maintenance and development of an appropriate supportive infrastructure.**

**Description:** OAH Rule 2839.1 requires that each stakeholder agency compare the number of cases reported in an OAH summary to the number of cases it anticipates filing at OAH in the following fiscal year. To comply with the statutory mandates, OAH will (1) identify stakeholder agency contacts, (2) collaborate with the stakeholder agencies to develop an agency reporting tool with timelines for submission to OAH, (3) create an analytical framework for determining the need for any change in OAH resources, and (4) communicate the need for any changes in OAH resources to the Mayor and the Council.

**Complete to Date:** Complete

**Status Update:** OAH anticipated formalizing its contacts with stakeholder agencies in order to better anticipate caseload changes. The Principal Administrative Law Judges have developed contacts with the agencies whose cases they supervise. The Chief Judge and Principals will consult to develop an agency reporting document and establish the manner in which such reports will be analyzed. In FY2017, formalizing these contacts and discussions of agency workload remain important and OAH continues to make this an ongoing task .

**If Incomplete, Explanation:** In FY2016, the primary focus became the re-organization of the agencies over whom OAH has jurisdiction into more efficient jurisdictional 'clusters.' Having completed that step, there will be opportunities to create specific tools for the Principals to use in collaboration with the agencies

**Title: Provide basic and advanced eCourt training to key OAH staff to increase Agency knowledge base and operational efficiency in advance of changes to eCourt that will further enhance these efficiencies.**

**Description:** OAH will provide administrative staff, support staff and Administrative Law Judges with appropriate eCourt training.

**Complete to Date:** Complete

**Status Update:** OCTO has provided OAH with six new servers to house the production and the development environments for eCourt. During FY2016, OAH staff, including a new IT Manager, have been involved in testing the newest version of eCourt before it is moved into the new production servers. A three-day training session was held with contractor representatives to acquaint staff with the new version and resolve operational problems. As new ALJs and summer interns arrived, each group was provided with basic eCourt training.

**Title: Provide training and allocate resources toward process analysis and process improvement for OAH of case management.**

**Description:** Provide training and allocate resources toward process analysis and process improvement for OAH of case management.

**Complete to Date:** Complete

**Status Update:** OAH jurisdictions usually have monthly meetings among the ALJs and Legal Assistants to discuss issues in agency workflow and case processing. All legal assistants meet regularly with the Clerk of the Court to discuss case processing and division of labor. Each new legal assistant hired by the agency is trained on a one-on-one basis to understand the rules and routines of case processing. While OAH considers this a task done for FY2016, it remains a priority for OAH in FY2017.

**Title: Increase the disposition rate of older cases**

**Description:** Clearance rate was a new proposed performance measure for OAH in FY15, which was modeled on one adopted by the DC Court System. A measure of court efficiency, the clearance rate is the total number of cases disposed of (i.e., final orders issued) divided by the total number of cases added to the caseload (i.e. opened and re-opened) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thereby reducing the pending caseload. In FY15, OAH implemented an interim performance objective to dispose of the oldest cases ripe for disposition first. In FY16, the expected outcome will be an increase in court efficiency and an overall reduction of the pending caseload.

**Complete to Date:** Complete

**Status Update:** On May 9, 2016, the Chief ALJs issued a revised policy on 'Timeliness In Issuing Judicial Decisions.' Principal ALJs are responsible for monitoring the performance of judges within their clusters. The policy establishes strict time deadlines for completion of cases in various jurisdictions, in addition to the federal deadlines that apply to some cases. In FY2016, excluding cases that were opened to process payments and excluding several thousand cases in the eTIMS system that had a hearing, OAH's clearance rate was 103.59%.

**Title: Begin to re-engineer case management**

**Description:** Some, but not all, OAH cases are mandated by statute or inter-agency agreement to meet a specific deadline by which a final order must be issued. OAH has hired a new Clerk of Court, who is expected to re-engineer operations in the Clerk's Office, including new or updated benchmarks for case processing and the scheduling of hearings. Over the last several FYs, mediation has been successful in reducing, by about 50%, the number of complex cases requiring hearings and decisions by an ALJ. In FY16, OAH will begin a modest reorganization and undertake some key projects to integrate case management, case allocation, and performance management. In FY16, the expected outcome of these efforts will be an increase in court efficiency, a reduction in adjudication delays the pending caseload, and the increased ability to collect data and report it clearly.

**Complete to Date:** Complete

**Status Update:** During FY2016, OAH acquired from OCTO six new servers with updated software to house OAH's case management system, eCourt. OAH hired a new IT Director in FY2016. A new version of eCourt will be installed and functional within eCourt during FY2017. Changes will be made to the program once it is on-line. OAH hopes to use the new version to allocate cases, evaluate efficiency and reduce delays in a more effective manner. The contractor provided in-house training for three days during FY2016 during which possible changes were discussed.

**Title: Increase efficiency of post-trial procedures**

**Description:** As part of OAH's mission to provide fair, efficient, and effective administrative adjudications, OAH must issue final orders in all its jurisdictions in a timely manner. OAH has also established procedural rules which allow litigants to request changes to the final order or a new hearing. This mechanism is intended to better ensure due process for the OAH litigants who are self-represented and may be unaware of the factual framework and circumstances that might permit change to final orders or allow new hearings. OAH will refine its forms to capture relevant information from litigants who request new hearings or changes to the final order so that the need to conduct additional hearings to obtain this information is reduced, and more of these requests can be resolved without the need for a hearing. In addition, through the PALJs, OAH will monitor the ALJs' caseloads to ensure timely completion of cases.

**Complete to Date:** 75-99%

**Status Update:** Pursuant to OAH Rules 2828, 2938, 2978, and 2986, parties in the vast majority of OAH cases may ask an administrative law judge to change a final order. Certain requests for reconsideration can stay the running of the statute of limitations for further appeal. OAH Rules provide various timelines for prompt resolution of these requests. Each jurisdictional cluster is responsible for developing templates that a judge can use to resolve these requests. All the jurisdictions now have such templates.

**If Incomplete, Explanation:** OAH is revising its forms asking for changes to final orders and those revisions should be completed early in FY2017. While timely completion of cases is improving, there is room for more improvement.