

## Labor Management Meeting of May 4, 2016

### **APPEARANCES**

#### **Representing HOs**

Laura Fieber  
Ilene Shifrin  
Sofia Balile

#### **Representing the City**

Susan Kassapian  
Peter Schulman  
Denis Brogan

### **TOPICS FOR DISCUSSION**

- 1. Consolidation**
- 2. New Hires**
- 3. Communication**
- 3. Security**

### **MEETING**

1. Consolidation (and Training)

OATH is waiting for the mayor to sign an executive order that would bring the Dept of Consumer Affairs into OATH. At the moment, there are no DCA hearings being held. It is anticipated that these hearings would begin in July, at 66 John Street, to address a significant backlog.

All HOs will be cross trained so they will be eligible to hear ECB, Health, TLC and DCA cases. TLC hearings will take place in LIC while ECB, Health and, ultimately, DCA, cases will be heard in each borough. The first 100 HOs have been assigned to take the training.

When submitting their monthly schedule, HOs would be allowed to express a preference where they would like to work. Many HOs have expressed interest in being able to be assigned to other locations as need arises if their assignments are reduced due to changing needs at their regularly assigned location. OATH has not worked out the mechanics as to how and to whom an HO would make this request under the consolidation. The City also did not clarify how this would impact HOs who are grandfathered to be able to work at two agencies.

NYCServ will be phased out and ATAS, which the Health Tribunal currently uses, will be the prevailing system.

Will there be changes in appeals and hearings by mail, now called Hearings by Alternative Means (HBAM). The Health and ECB HBAM units will be consolidated using ATAS, starting in June. HOs that have been on this assignment in the past will continue, and OATH will train more people on it.

DCA and Health appeals will be consolidated around the same time.

## 2. New Hires

OATH is expecting a huge increase in its caseload that would result from the Criminal Justice Reform Act, the law decriminalizing violations deemed 'minor offenses,' if and when it is enacted. This explains why OATH is hiring new judges and buying real estate to deal with the increase. This will be up and running in a year. The HOs will be given the discretion to impose a penalty of community service and/or fines—at a HO's discretion.

OATH envisions hiring a new class of HOs each year, although it does not necessarily reach the number of HOs sought in the vacancy notice. The City also noted loss of HOs through attrition.

## 3. Security

The HOs brought up security issues that have arisen in the Bronx and Brooklyn, including having security guard leaving while hearings were still being held, and someone threatening to come back with a gun.

We discussed allowing for a deviation in 'chain of command' reporting, if the HO feels that its immediate supervisor is not adequately addressing a security issue.

**We recommended that metal detectors be installed at all tribunal locations.**

## 4. Misc.

The Clerk's office is being created in phases. They are now reporting to Maria Marchiano. They are open on revenue right now. After revenue, they are going to work on the correspondence unit—and in July, it will be the operations people.

The HOs raised a matter concerning judicial ethics, and the HO's responsibility to an unrepresented respondent. The City representative noted that no one is telling HOs how to conduct a hearing. The tribunals have to be fair and impartial and have to give every bit of information so that the unrepresented litigant is not adversely impacted. Bottom line: HOs should conduct hearings the way you see fit.