



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

MARJORIE LANDA
DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

March 30, 2017

By Electronic Mail

Commissioner Fidel F. Del Valle
New York City Office of Administrative Trials and Hearings
100 Church Street, 12th Floor
New York, NY 10007

Re: Final Letter Report on the New York City Office of Administrative Trials and Hearings' Compliance with Local Law 25 Regarding Translation of Agency Website (Audit Number SZ17-106AL)

Dear Commissioner Del Valle:

This Final Letter Report concerns the New York City Comptroller's audit of the New York City Office of Administrative Trials and Hearings' (OATH) compliance with Local Law 25, which governs the translation of websites of New York City agencies. The objective of this audit was to determine whether OATH is complying with Local Law 25, which is intended to make City agencies, and ultimately the City as a whole, more accessible to foreign-born residents whose primary language is not English. Our audit of OATH is one in a series of audits we are conducting of the City's compliance with Local Law 25.

Background

New York is home to one of the most diverse populations in the world, with more than four million foreign-born residents from more than 200 different countries. More than 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent, or 1.8 million people, are limited in English proficiency. For New Yorkers with limited English proficiency, interacting with City government and receiving access to City services can be a challenge.

Most City agencies have a significant presence on the internet and rely on agency websites to both provide information and to interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation to citizens' ability to access translation of City websites. Local Law 25 requires that every website maintained by or on behalf of a City agency include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English. It also requires that the translation service be identifiable in a manner that is comprehensible to speakers of the seven most commonly spoken languages in the city. As determined by the

Department of City Planning, the seven most commonly spoken languages in New York City amongst residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, and Formosan)
- 3) Russian
- 4) Bengali
- 5) French Créole (also called Haitian Créole)
- 6) Korean
- 7) Arabic¹

Findings and Recommendations

Our audit found that OATH generally complied with Local Law 25. OATH's website, found at <http://www.nyc.gov/html/oath/html/home/home.shtml>, fully translated into each of the seven most commonly spoken languages within the City. In addition, the essential documents attached to OATH's website can be downloaded in the translated versions.² We reviewed and successfully translated the following forms/brochures into all seven noted languages as well as into an eighth language, Urdu:

Forms:

- a) Request to Reschedule an Upcoming Hearing by Mail
- b) General Request for the Audio Recording of an OATH Hearing
- c) Request a New Hearing after a Default by Mail
- d) File Your Appeal by Mail
- e) Request for Extensions and Hearing Recordings by Mail
- f) File Your Response to an Appeal by Mail
- g) Respond to OATH's Request for Information on Standing – Online
- h) Representative Authorization
- i) Request to Reschedule an Upcoming Hearing Online
- j) One-Click (online) Hearing
- k) Request a New Hearing after a Default Online
- l) Respond to Adjournment Order from OATH Remote Hearings Unit - Online

Brochures:

- m) What is the OATH Hearings Division?
- n) Should I Appeal?
- o) Defaulted Cases: What You Should Know

¹ According to the Department of City Planning report, issued in March 2016, entitled *Top Languages Spoken at Home by Limited English Proficiency (LEP) Universe: Population 5 Years and Over*.

² OATH has determined the documents it deems are essential. OATH also provides other translation services for those forms that cannot immediately be translated online, including by providing an Interpreter.

Forms that are usually filled out by a lawyer or other type of representatives (e.g., interpreter, union representative) on behalf of persons with limited English proficiency may not be available for translation online. Generally those forms relate to the appeal process.

OATH's website provides a message at the top portion of its forms page, underneath the headline "Translation Services," stating: "If you feel more comfortable writing your responses on these forms in a language other than English, please do so. Your responses can be written on these forms in the language of your choice. The OATH Hearings Division will have all applications and forms translated into English, free of charge."³

Our findings are outlined in the table entitled Compliance Summary below.

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
Website translates into the top seven most commonly spoken languages (As per Local Law 25)	Yes	We reviewed and successfully translated the website text in all seven applicable languages.
Translate essential documents/forms into the top seven most commonly spoken languages. (As per OATH Standards)	Yes	OATH's applicable essential documents/forms translated into the top seven languages and some were provided in an additional language, Urdu.

We recommend that OATH continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when accessing City services online.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

³ <http://www.nyc.gov/html/oath/html/health-tribunal/forms.shtml>

The scope period for this audit was August 8, 2016 to February 1, 2017, the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 25.
- We researched and determined the seven most commonly spoken languages in the City among residents with limited English proficiency, as determined by the Department of City Planning.
- We reviewed and analyzed OATH’s website and tested its ability to translate documents into the top seven most commonly spoken languages for residents with limited English proficiency.
- We reviewed and analyzed OATH’s January 2017 Language Access Plan to determine what steps OATH took to comply with Local Law 25.
- We reviewed the Language Access Plan to determine which documents OATH deemed essential for them to provide direct public services and needed to be translated.
- We reviewed and analyzed whether OATH’s essential documents and forms could be downloaded on the website, and tested whether they translate to the seven most commonly spoken languages for residents with limited English proficiency.
- We conducted interviews with OATH’s staff members to discuss the agency’s website efforts and verify its compliance with Local Law 25.

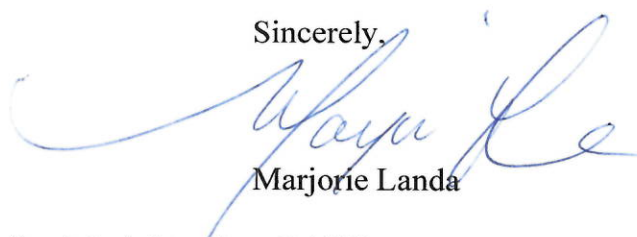
Based on our understanding of the Local Law 25 requirements, we outlined the criteria necessary for agencies to be in compliance. The table below outlines the core criteria that agencies’ must meet to achieve compliance under Local Law 25. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency’s website and essential documents/forms translate to and are accessible in Spanish.
Chinese	Agency’s website and essential documents/forms translate to and are accessible in Chinese.
Russian	Agency’s website and essential documents/forms translate to and are accessible in Russian.
Bengali	Agency’s website and essential documents/forms translate to and are accessible in Bengali.
French Créole (Haitian Créole)	Agency’s website and essential documents/forms translate to and are accessible in French Créole (also called Haitian Créole).
Korean	Agency’s website and essential documents/forms translate to and are accessible in Korean.
Arabic	Agency’s website and essential documents/forms translate to and are accessible in Arabic.

The issues covered in this report were discussed with OATH officials during and at the conclusion of this audit. On March 7, 2017, we submitted a draft report and provided OATH with the opportunity to formally respond in writing. OATH's written response was received on March 22, 2017. In it, OATH agreed with the report's findings and stated, "OATH has reviewed the report and the Findings and Recommendations and thanks the Office of the Comptroller for its finding that OATH effectively meets the needs of residents with limited English proficiency when accessing City services online. OATH will maintain its compliance with Local Law 25 to ensure that the residents with limited English proficiency can effectively navigate the Administrative Law Court of the City of New York."

The full text of OATH's comments is included as an addendum to this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marjorie Landa", is written over the typed name.

Marjorie Landa

- c: Linda May, Deputy Commissioner for Administration, OATH
- Maria Marchiano, Deputy Commissioner and Chief Clerk, OATH
- Tyna Richard, Deputy Commissioner and General Counsel, OATH
- Peter Tumminelli, Assistant Commissioner for Operations, OATH
- Marisa Senigo, Assistant Commissioner for Public Affairs, OATH
- Mindy Tarlow, Director, Mayor's Office of Operations
- George Davis, III, Deputy Director, Mayor's Office of Operations



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
100 CHURCH STREET 12TH FLOOR • NEW YORK, N. Y. 10007-2620
Tel #: (212) 933-3001 • www.nyc.gov/oath

FIDEL F. DEL VALLE
COMMISSIONER
Chief Administrative Law Judge

March 22, 2017

Ms. Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller, Bureau of Audit
Municipal Building
1 Centre Street, Room 100
New York, NY 10007

Re: Draft Letter Audit Report – Audit Number SZ17-106AL

Deputy Comptroller Landa:

The New York City Office of Administrative Trials and Hearings (OATH) is in receipt of your Draft Letter Audit Report dated March 7, 2017, pertaining to the audit done on OATH's compliance with Local Law 25 Regarding Translation of Agency Website (Audit Number SZ17-106AL).

OATH has reviewed the report and the Findings and Recommendations and thanks the Office of the Comptroller for its finding that the OATH effectively meets the needs of residents with limited English proficiency when accessing City services online.

OATH will maintain its compliance with Local Law 25 to ensure that residents with limited English proficiency can effectively navigate the Administrative Law Court of the City of New York.

Sincerely,

A handwritten signature in blue ink that reads "Fidel F. Del Valle".

Fidel F. Del Valle
Commissioner & Chief Administrative Law Judge
Office of Administrative Trials and Hearings (OATH)

C: Mindy Tarlow, Director, Mayor's Office of Operations
George Davis III, Deputy Director, Mayor's Office of Operations