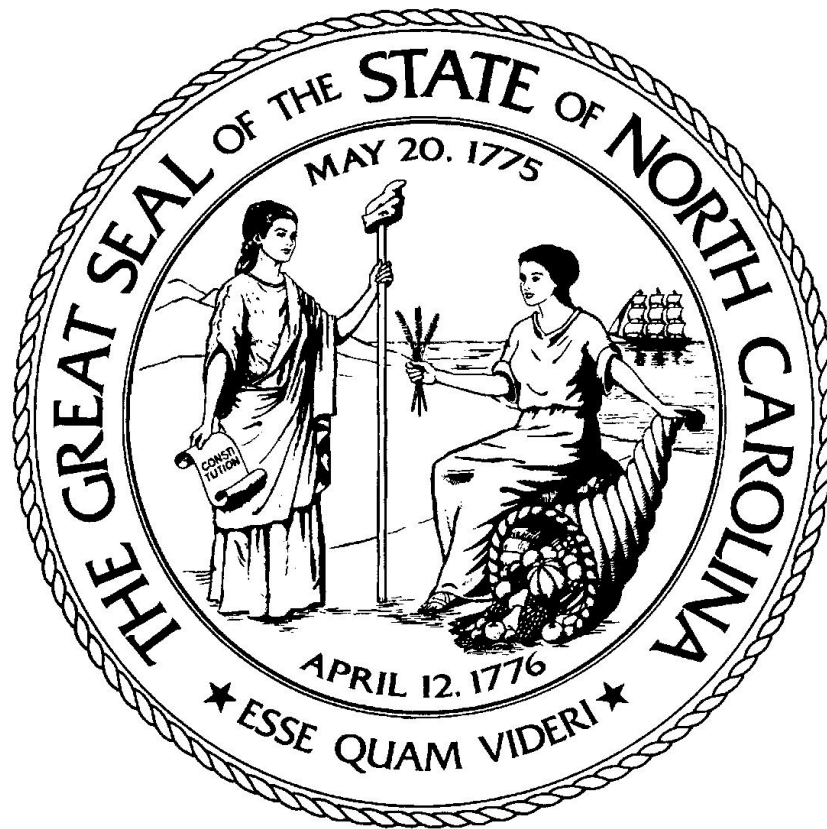


# North Carolina

## Office of Administrative Hearings

### Strategic Plan

### 2023 – 2025



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# 1. Strategic Plan Executive Summary

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## SCOPE OF AGENCY WORK

The North Carolina Office of Administrative Hearings (OAH) is an independent, quasi-judicial agency established to:

- hear and render administrative decisions in a fair and impartial manner;
- administer a uniform system of administrative rulemaking and review procedures for agencies;
- act as the official publisher of the North Carolina Register and the North Carolina Administrative Code;
- serve as the deferral agency for the Equal Employment Opportunity Commission; and
- investigate acts of discrimination in employment and housing.

The OAH Hearings Division provides an independent forum for prompt and impartial resolution of administrative law contested cases involving citizens and state agencies. The Hearings Division strives to conduct fair and impartial hearings by correctly applying the applicable state and federal law to the facts of the case.

The Rules Division performs legal analysis and administrative and technical work in the review, compilation, production, and publication of the North Carolina Register and the North Carolina Administrative Code; and provides administrative support and legal counsel to the Rules Review Commission (RRC). The Rules Division ensures compliance with Article 2A of the Administrative Procedure Act (APA).

The Civil Rights Division serves as the State's designated deferral agency for cases deferred by the Equal Employment Opportunity Commission (EEOC) as provided in Section 706 of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act for employment discrimination charges filed by government employees covered under Chapter 126 of the General Statutes. The Civil Rights Division functions as the enforcement agency for the State Fair Housing Act and provides administrative and technical support to the North Carolina Human Relations Commission (HRC). The HRC facilitates discussions with local communities on a wide variety of issues related to community relations, employment, education, and housing.

## OAH STRATEGIC PLANNING PROCESS

OAH executive leadership and representatives from each OAH Division (Hearings, Rules, and Civil Rights) worked collaboratively to refine the OAH mission, vision, values, and divisional goals for the 2023-2025 biennium. This plan revised and updated the prior 2021-2023 Plan.

## OAH VISION IN THE 2023-2025 BIENNIUM

- 1) The following efforts are being made to transition key Rules Division activities to a digital format in the 2023--2025 biennium:
  - a. The print publication of the NC Administrative Code is required by GS 150B-21.18. As proposed by Senate Bill 513 and House Bill 327, the current print publication of the NC Administrative Code would transition to a digital format. The print subscription service to the NC Register was eliminated in December 2019. Currently, both publications are available in digital format on the OAH website at no cost to the public.
  - b. In response to the ongoing public health pandemic, OAH has waived its rules regarding hard copy rule submissions by agencies. OAH launched the first part of an electronic filing system for NC register filings.
  - c. The Hearings Division has increased the number of electronic filers (e-filers) in the on-line Case Management System. The increase in e-filers continues to reduce hardcopy resources.
  
- 2) OAH is committed to developing more outreach programs for disseminating information to the public as to the services provided by each OAH Division. The following outreach programs are currently being provided by the OAH Rules and Civil Rights Divisions:
  - a) The OAH Rules Division offers monthly roundtable discussions and trainings for rulemaking coordinators and agency staff with rulemaking responsibilities. These in-person trainings were suspended during the public health pandemic. The Rules Division is now offering trainings via WebEx. However, staff of the Rules Division also remain available for individual consultations with agency staff and members of the public to discuss rulemaking. The Rules Division continues to explore ways to educate citizens on how they can participate in the rulemaking process.

- b) Human Relations Specialists in the Civil Rights Division are available to conduct Fair Housing trainings for Realtors, Management Companies, homeowners, Homeowners Associations, and citizens.
- c) The Hearings Division routinely participates in Bar Association meetings and conferences with the goal of increasing public knowledge of the Administrative Hearing process.

3) OAH will be in a more favorable position to fulfill the expectations of parties served by the Agency in the 2023-2025 biennium with the addition of the following key staff positions:

Human Relations Specialist (FTE) - OAH Civil Rights Division During the last biennial period OAH identified the need for an additional Human Relations Specialist. This position was funded but only through non-recurring appropriation. In order to ensure that we fill this position we have requested the funding to be changed to a recurring appropriation. We believe this will allow the Division to hire and retain this position thereby increasing the current service level to the communities served by the Human Relations Commission.

## 2. Mission, Vision, and Values

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### Agency Mission Statement

#### OAH Mission Statement:

To serve the citizens of North Carolina with quality and efficiency by providing an independent forum for prompt and impartial resolution of administrative law contested cases involving citizens and state agencies; functioning as the State’s codifier, publisher, and reviewer of all administrative rules; and investigating alleged acts of unlawful discrimination in employment and housing.

## Agency Vision Statement

### OAH Vision Statement:

To continue to educate and serve the citizens by protecting their due process rights in a timely, fair, and impartial manner in investigations and adjudications, and provide transparency through technological advances in the publication and review of administrative rules.

## Agency Values

### OAH Agency Values:

**Professionalism:** Staff must exhibit a courteous, conscientious, and professional manner in all work-related activities and when communicating with the public and others in the workplace. Staff must be knowledgeable about all aspects of one's job; act for the public good without regard to convenience or self-interest; and be trustworthy and dependable in carrying out one's job responsibilities.

**Customer Service:** Staff must consistently demonstrate a strong commitment to providing quality services to external and internal customers. Staff must proactively identify customer needs and requirements; continuously improve performance of self and others; and develop, implement, and evaluate work processes which are both efficient and effective from the customers' perspectives.

**Diversity & Inclusion:** Staff must demonstrate an open-minded approach to understanding people, regardless of their gender, age, race, national origin, religion, ethnicity, disability status, or other characteristics. Staff must treat all people fairly and consistently and with dignity and respect. OAH will effectively build an inclusive work environment composed of people from diverse backgrounds and with diverse perspectives, where everyone feels welcomed and valued and is allowed the opportunity to use their skills, abilities, and knowledge to succeed.

**Safety & Health:** OAH will consistently demonstrate a strong commitment to providing employees with a safe and healthy workplace. Staff must proactively identify and reduce or act immediately to reduce risks and hazards and abide by regulatory requirements; understand the importance of safe work practices; and act to correct unsafe conditions, not waiting for others to correct issues. OAH will develop, implement, and evaluate work processes (utilizing hazard recognition practices) that address immediate risk and improve systems to address future risk.

Staff must comply with all state and agency safety requirements, including training, medical clearance, injuries/illness reporting requirements, and medical treatment for work-related injuries/illnesses.

### 3. Goals, Objectives, and Performance Measures

#### Hearings Division

<p><b>Goal 1 – Conduct Contested Case Hearings in Compliance with Statutory Requirements and Render Final Decisions that Correctly Apply the Laws of North Carolina.</b></p>	
<p><b>Objective 1.1</b> – Conduct fair and impartial hearings.</p>	<p><b>Performance Measure or Milestone 1.1</b> – All Administrative Law Judges are to fully comply with North Carolina State Bar Continuing Legal Education requirements by attending CLE programs that focus on administrative law and any applicable changes in the law.</p>
	<p><b>Performance Measure or Milestone 1.2</b> – All Administrative Law Judges are to attend meetings as scheduled by the Chief Administrative Law Judge for discussions of current legal issues.</p>
<p><b>Goal 2 – Manage Dockets and Case Flow</b></p>	
<p><b>Objective 2.1</b> – Maintain the percentage of cases noticed for hearing within statutory deadlines.</p>	<p><b>Performance Measure or Milestone 2.1</b> Review filings upon receipt and issue orders and notices of hearing accordingly. Generate reports detailing case status and deadlines for all contested cases noticed for hearing.</p>
<p><b>Objective 2.2</b> – Reduce percentage of cases with decisions rendered outside of statutory deadlines</p>	<p><b>Performance Measure or Milestone 2.2</b> – Monitor decision deadlines in electronic calendar with reminders sent to the ALJ and assigned law clerk/paralegal at 30, 15, 10 and 5 days before the deadline</p>



**Goal 3 – Conclude Contested Cases in A Timely Manner**

**Objective 3.1** – To dispose of non-Medicaid contested case filings within the required deadlines.

**Performance Measure or Milestone 3.1 –**

Generate reports identifying non-Medicaid contested cases with no activity within past 120 days to review on a monthly basis and non-Medicaid contested cases pending over 180 days

**Objective 3.2** – Schedule remote hearings in lieu of continuing cases to accommodate conflicts involving courtroom space and scheduling

**Performance Measure or Milestone 3.2** – Utilize WebEx for remote hearings as an alternative to in-person hearings

**Goal 4 – Dispose of 90% of Medicaid Contested Case Filings Within 90 days**

**Objective 4.1** Percentage of Medicaid contested cases successfully closed within 90 days of filing

**Performance Measure or Milestone 4.1** Maintain a spreadsheet of all open Medicaid contested cases, indicating filing date and number of days pending to easily identify aged cases.

**Objective 4.2** Percentage of Oral, expedited and Oral expedited successfully closed Medicaid cases within Federal and statutory deadlines

**Performance Measure or Milestone 4.2**  
Implemented procedures and trained new OAH staff to process oral, expedited, and oral expedited Medicaid appeals.

# Goals, Objectives, and Performance Measures

## RULES DIVISION

Goal 1 – Publication of Rules	
<b>Objective 1.1</b> – OAH staff will ensure that rules submitted by agencies are published within the deadlines established by statute and rule.	<b>Performance Measure or Milestone 1.1</b> – The Rules Division will ensure it meets this objective by publishing the NC Register twice a month; publishing proposed temporary rules on the NC OAH website within 5 business days of filing; publishing approved emergency and temporary rules in the Register; and publishing petitions for rulemaking on the OAH website within 3 business days of receipt from the affected agency.
Goal 2 – Rules Review Commission (RRC) Review of Rules	
<b>Objective 2.1</b> – OAH staff will review rules submitted for approval by the RRC.	<b>Performance Measure or Milestone 2.1</b> – The Rules Division will ensure it meets this objective by working with the RRC to set the readoption deadline for each agency pursuant to G.S. 150B-21.3A(d)(2), which requires consultation with the agency. The Rules Division staff works with agencies to meet these deadlines. In addition, Rules Division staff posts the deadline for submitting comments on rules for each RRC meeting in the RRC’s online agenda. Rules Division staff will work with the public to ensure the deadline for letters of objection set by G.S. 150B-21.3 is clearly understood.

**Goal 3 – Rulemaking Training**

**Objective 3.1** – OAH staff will provide rulemaking training to agency staff and members of the public.

**Performance Measure or Milestone 3.1** – The Rules Division will ensure it meets this objective by providing training as requested to agency staff, members of the public, and through formal presentations offered by other organizations (such as CLEs by the Institute of Government’s Public Law for Public Lawyers). The Rules Division staff reaches out to new rulemaking coordinators at agencies to offer to conduct one-on-one trainings. The Rules Division is now offering trainings via WebEx.

# Goals, Objectives, and Performance Measures

## CIVIL RIGHTS DIVISION

Goal 1 – Conduct Discrimination Investigations per Statutory Requirements	
<b>Objective 1.1</b> – Issue notices of decision that are consistent with established proof standards for Title VII, Title VIII, ADEA and ADA.	<b>Performance Measure or Milestone 1.1</b> – Number of employment and housing investigation cases approved and closed by the Civil Rights Division and accepted by EEOC and HUD.
<b>Objective 1.2</b> – Conduct monthly case development meetings with Investigators to review case inventory and progress, including identifying problems, monitoring summary and resolution reports for cases greater than 200 days.	<b>Performance Measure or Milestone 1.2</b> –Review and evaluate pending inventory of open cases, assess ARC and HEMS entries on aged cases for time management issues, review and monitor case files for 30-, 45-, 60-, 100- and 200-day milestones related to witness interviews, investigative plans, RFI requests, settlement activities, collection of evidence, legal research, data analysis, and final decisions.
Goal 2 – Reduce the Time to Formalize a Charge of Discrimination	
<b>Objective 2.1</b> – Decrease response time on inquiries to potential charging parties.	<b>Performance Measure or Milestone 2.1</b> – Review and monitor Intake portal, OAH website, and respond to questionnaires, as well as inquiries by emails, and US mail daily. Weekly discussion with Intake and monthly review of snapshot reports.

<p><b>Objective 2.2</b> – Review and assess the percentage of preliminary intake inquiries formalized as charges, after initial inquiry.</p>	<p><b>Performance Measure or Milestone 2.2</b> – Complete initial assessment and evaluation of all new inquiries at 30- and 60-day periods.</p>
<p><b>Objective 2.3</b> – Review and assess the percentage of charges formalized within statutory deadlines.</p>	<p><b>Performance Measure or Milestone 2.3</b> – Complete formalized charges and provide notice to all parties within statutory deadlines.</p>
<p><b>Goal 3 – Complete Discrimination Investigations in a Timely Manner</b></p>	
<p><b>Objective 3.1</b> – Finalize investigative process within 200 days.</p>	<p><b>Performance Measure or Milestone 3.1</b> – Review summary and detail employment and housing reports to identify problems, establish timeframes for completion, and implement action plans for cases greater than 200 days old.</p>
<p><b>Objective 3.2</b> – Review and assess the percentage of Title VII, Title VIII, ADEA and ADA charges approved and closed.</p>	<p><b>Performance Measure or Milestone 3.2</b> – Assessment of the number of employment and housing cases accepted by EEOC and HUD during the performance measurement period for processing.</p>
<p><b>Objective 3.3</b> – Reduce the administrative closure rate to 10%.</p>	<p><b>Performance Measure or Milestone 3.3</b> – Monitor administrative closure rate monthly to assess reason for case closure and discuss percentage with investigators during monthly case review meetings.</p>
<p><b>Objective 3.4</b> – Reduce the percentage of formalized charges closed administratively within 120 days.</p>	<p><b>Performance Measure or Milestone 3.4</b> – Review and monitor charge files monthly for administrative closures.</p>

## 4. Highlights and Opportunities

### Agency Highlights and Best Practices

*(Insert success stories or operations that your agency wants to highlight. This section is an opportunity to demonstrate results or best practices that might be useful to share with other agencies. Include strategies or performance related initiatives that have yielded results).*

#### **HIGHLIGHTS OF OAH ACCOMPLISHMENTS**

In 2016, the OAH online e-filing system was made available to registered e-filers to access contested case hearings through the OAH website. This initiative has made the contested case process paperless and considerably easier for citizens and agencies to file a contested case.

In 2019, with assistance from the North Carolina Department of Information Technology, Digital Services, the OAH website was upgraded to the Digital Commons platform currently used by several State agencies. The fully redesigned website has a more responsive (mobile-friendly) design that is better suited to meet user needs and agency goals.

In 2019, OAH upgraded the audio/visual equipment, tele-conference, and video conference systems in four courtrooms, Commission room and conference room in the Raleigh Office. The state-of-the-art equipment meets user demand for digital presentations via laptop, Skype, remote video telephone conferencing, remote translation, American Sign Language, and hearing assist. The upgraded systems digitally capture these additions into the record utilizing digital audio/video court recording software.

In 2020, OAH replaced its antiquated Centrex telephone system with a Voice over Internet Protocol (VoIP) digital system. The VoIP system is a more cost efficient and functional digital telephone system that is anticipated to significantly boost user productivity and enhance customer service.

In January 2022, the Rules Division launched its E-Filing system. The E-Filing system accepts electronic filings for proposed temporary and permanent rules.

In July 2022, OAH established resident Administrative Law Judge in Eastern North Carolina (Onslow County courthouse) to balance the three resident Judges housed in Western North Carolina courthouses.

### Potential Initiatives

*(Insert a description of any additional initiatives that your agency envisions and would like to take on but does not currently have the resources to undertake).*

In the 2023-2025 Biennium, OAH plans to explore ways to implement the following potential initiatives:

- The Rules Division plans to replace its existing rule tracking system. The Division is working with DIT to request information from vendors on the project by going through the RFI process.

- In coordination with UNC, the Rules Division is working on a project to scan old versions of rules with the goal of making them publicly available for research online.
- The Civil Rights Division will continue to explore and evaluate the potential benefits of transitioning from paper to an electronic (digital) platform for all records, files, documents, and information related to conducting fair housing investigations in the Human Relations Commission.
- The Civil Rights Division will continue to explore ways to improve and enhance investigations in housing by developing, designing, and implementing a mediation program to resolve fair housing disputes where formal complaints have been filed.
- OAH would like to implement statutorily required training and educational initiatives for the Human Relations Commission delayed by the public health pandemic and improve coordination of those initiatives by local Human Relations Commissions.
- OAH is exploring the development of virtual outreach programs to educate citizens on ways they can participate in the rulemaking process and learn more about the services provided by each OAH Division.

### Collaborative Opportunities

*(Insert any identified opportunities for statewide or inter-agency collaborative initiatives that would yield significant efficiencies or improve effectiveness in State programs).*

OAH is actively pursuing the following proposed collaborative opportunity in the 2023-2025 biennium:

- Proposed State/Federal Government Collaboration -  
The Civil Rights Division is interested in improving and enhancing its state/federal government partnership through collaboration with the US Equal Employment Opportunity Commission (EEOC) as part of their FEPA Joint Innovation Projects with the goal to have meaningful and innovative projects, such as joint outreach, training and/or enforcement, that help to advance our work in service to the public.