A REVIEW OF
OREGON OFFICE OF ADMINISTRATIVE HEARINGS

Report to the State of Oregon Employment Department

Submitted by Public Knowledge, LLC
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————Management Consultants

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Overview of Oregon's Office of Administrative Hearings

2001 saw the creation of a hearing officer panel that consolidated the separate hearing officer functions in various Oregon state agencies. The consolidation followed a national trend to consolidate administrative hearings into a central panel, aiming to improve the perceived and actual impartiality of quasi-judicial hearings that had previously been administered by personnel of the same agency that was a party to the hearing. In addition, the Oregon legislature recognized that scale economies could be realized by consolidating the various hearing officer functions scattered across state government. After the concept proved itself from a financial, legal and service standpoint, the panel was made permanent in 2003, via SB2526, with the creation of the Office of Administrative Hearings (OAH) and the independent position of Chief Administrative Law Judge (ALJ).

The Office of Administrative Hearings is housed in the Oregon Employment Department (OED) and the Chief ALJ is appointed by the director of OED. Among the numerous reasons for placing the OAH within the Employment Department were the reluctance of the Legislature to create another stand-alone state agency, the efficiencies gained from sharing overhead with an established agency, and the oversight provided by Employment Department executives. Agencies that transferred staff to OAH share the majority of the operating costs. Those agencies, referred to as "sending agencies," include: Department of Consumer and Business Services, Construction Contractors' Board, Department of Human Services, Department of Transportation Department of Motor Vehicles Division, Employment Department, Oregon Liquor Control Commission, and the Water Resources Department.

Beginning this year, OAH is moving from a management structure that previously managed by subject, or program, area to management by geographic region. The OAH is consolidating its offices in two geographic regions and three locations in Beaverton (Northern Region), Salem and Eugene (Southern Region). The Office of Administrative Hearings now comprises 116 employees, including 11 members of the Management Team. The OAH has 68 Administrative Law Judges (ALJs), with the remainder in administrative or support positions. The division hears 37,000 cases each year and administers a biennial budget of $21 million.

The OAH has a wide jurisdictional scope, conducting hearings in program areas too numerous to list here. The legislation names only those state agencies that are excluded from OAH jurisdiction, leaving the division with jurisdiction over almost 80 agencies that comprise over 90 percent of all state contested cases in Oregon, including unemployment insurance (Employment Department), motor vehicle licensing, social services, licensing boards and commissions, forestry, environmental quality, agriculture, child support, and many others.

Objectives of This Review of OAH

The purpose of Public Knowledge's (PK) review of the Office of Administrative Hearings was to evaluate the consolidation of the Office over the last five years. Our review aimed to assess the current state of OAH, and make recommendations that will help guide OAH going forward. Please see Appendix A for a list of activities PK undertook to complete our review. The objectives of the review are:

Objective 1

Review strategies for completing the consolidation and enhancing the operations of OAH, including whether the goals of the legislature were achieved (SB2525 and SB2526). This objective first required the consultants to determine legislative intent through analyzing legislative documents, implementation documents, and key articles written about the consolidation.

Objective 2

Review the OAH's organizational development efforts to date, and make suggestions for improving the management plan.

Objective 3

Assess current performance evaluation metrics and recommend methods for using performance data to manage the Office.

Objective 4

Evaluate current methods for gathering and using customer satisfaction data. Make suggestions for enhanced monitoring and use of customer satisfaction information.

Organization of This Report

The following are the larger questions that we seek to answer with this report. Our findings and recommendations are organized into four sections according to these questions:

- **Section 1—Statutory Consolidation**
  Has the consolidation of OAH fulfilled its original purpose as intended by the Oregon Legislature?
  This section is preceded by a discussion of our view of legislative intent.

- **Section 2—Organizational Development and Management**
  What issues exist related to organizational development and management of OAH?

- **Section 3—Key Performance Measures**
  Are current performance metrics adequate for managing organizational performance?

- **Section 4—Customer Satisfaction**
  Has the OAH clearly identified its customers and a method to measure satisfaction with its services?

Each section includes two subsections:

- **Findings**—what we found during our review
- **Recommendations**—what we recommend for OAH going forward

Appendices include items that supplement or support the findings and recommendations in the body of the report.

Executive Summary

Statutory Consolidation

Our findings indicate that in large part, OAH has achieved legislative intent in creating a central hearings panel. Consultants undertook an extensive review of legislative and organizational documents, interviewed 14 key staff and stakeholders, and analyzed the Office's statistics to find that overall:

- Perceptions of fairness and impartiality and the quality of orders have improved since consolidation, according to observers and stakeholders.
- ALJ productivity has increased somewhat since consolidation in 2000, but has fluctuated and is currently at the same level as in 2003, when the consolidation was made permanent.
- Cost data, while not explicitly pointing toward significant savings, does indicate a degree of cost efficiency.
- Customer satisfaction data has been positive, showing that both agencies and individuals involved in hearings have been pleased with the services they have received.

Our single recommendation in the area of statutory consolidation is that OAH make efforts to reinforce the public perception of its judicial independence.

Organizational Development and Management

OAH appears to be working toward a forward-thinking vision for the organization, and is currently implementing a number of appropriate initiatives and strategies for achieving that vision. However, implementing the aggressive range of changes currently underway, in such a short period of time, has led to some severe change management issues for the organization.

- Our key finding in this area is that OAH's vision and strategies are apparent only after investigating the Office and putting together the sum of many different information sources. Staff does not have a clear picture of organizational goals toward which they are working, and morale among employees is low.

Our recommendations for improving organizational development and management include:

- Implement a plan for managing change
- Continue regular meetings of the Oversight Committee
- Consider organizing a full-time dedicated Unemployment Insurance (UI) panel

Key Performance Measures

OAH has developed extensive data collection processes and performance measures. We believe these measures have been effective in monitoring OAH progress to date, but that this success can be built upon to increase the value of performance measurement for the division. Some of our findings include:

- There are some concerns with potential unreliability of the data used to monitor performance metrics.
- The 16 operational indicators currently used are numerous and thorough; used more for internal management than reporting agency progress to external stakeholders.
- OAH does not currently report performance measurement data to staff, which may have exacerbated the sense of confusion and low staff morale discussed in the section on organizational development and management.

Our recommendations for enhancing OAH's performance measurement system include:

- Develop a strategic plan specifically for OAH, including goals and objectives linked to performance measures
- Adopt a balanced and comprehensive set of performance measures (consultants developed a set of recommendations for performance measures)
- Streamline front-end data input procedures
- Use performance measures to make decisions about OAH programs and policies
- Report performance measurement information to internal and external stakeholders

Customer Satisfaction

While OAH has done a passable job of collecting customer satisfaction information, our findings point to some areas where methods for collecting and using customer satisfaction data could be improved. Customer satisfaction information should be put to use for the division, helping not only to track overall customer satisfaction with services but also answering key questions about progress toward the division's goals. Our key finding in this area is:

- Customer satisfaction surveys do not inform current performance metrics, nor are they explicitly linked to the Office's goals.

Our recommendations for improving customer satisfaction monitoring include:

- Use customer satisfaction surveys that link to performance metrics (recommendations for customer satisfaction surveys can be found in Appendices D and E)
- Administer surveys before the final order is issued
- Conduct focused analyses of customer satisfaction data
- Use customer satisfaction data to track progress toward specific goals

Legislative Intent

Goals of Consolidation

Senate Bill 2525[1] does not explicitly describe the goals of hearing officer panel consolidation into the OAH. However, a literature review and interviews with stakeholders and state officials involved in the early debate regarding consolidation indicate that these were the primary goals:

- Increasing the appearance of impartiality and fairness. Since the various hearing officer panels were organizationally components of the agencies that were parties to hearings, there were concerns that this association would impair the ability of ALJs to determine the facts and write orders that were free from bias or undue influence from their superiors at the agencies. Though there was no pervasive belief that the system suffered from lack of impartiality, simply the appearance of potential impairments is enough to degrade the public's confidence in a judicial or quasi-judicial system.[2]

- Enhancing judicial independence. Closely related to the appearance of impartiality is the issue of judicial independence whereby the judicial or quasi-judicial body has independent control over the fact finding and decision making without inappropriate involvement from the agencies.

In addition to these two goals other, subordinate objectives were discussed in connection with the consolidation:

- Improving the quality of decisions and orders through training of ALJs, enhanced policies and procedures, targeted recruiting of ALJs, and tighter management.

- Increasing staff productivity by efficiently allocating the caseload amongst a broader base of ALJs. Greater productivity would also help control costs.

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[1] 1999 Senate Bills
[2] The system of administrative hearings is not a true judicial system which takes place in sanctioned courts overseen by judges.

SECTION 1—Statutory Consolidation

Findings

Most observers[3] report their perceptions that fairness and impartiality have improved since consolidation. As evidence they cite that with the removal of the hearing officer panels from the agencies there is greater transparency over the hearings process. A small minority of orders are changed by agency staff after the ALJ has issued a proposed order. This practice, found in administrative hearings nationwide, can impair the appearance of fairness as the party to the hearing perceives that the agency, the opposing party, has ultimate authority over the order and the sanction. While this practice occurs in Oregon, SB2525 does require agencies to document their reasoning in changing an order. The perception among observers is that this requirement does increase the transparency of the process, and therefore the fairness, even though the practice of changing orders is nettlesome to parties involved in hearings.

Most observers also report that the quality of orders has increased since consolidation. Evidence cited for this conclusion includes reviews of completed orders where facts, conclusions, application of laws and orders are better documented than before. Concern has been expressed about the practice of allocating different case types to individual ALJs and that this may hinder the ability of an ALJ to properly focus in on the unique aspects of an agency and its attendant laws and regulations. The concern is that ALJs require time to "re-tool" when switching between agencies. Failure to allow for this retooling due to workload pressures can impair decision quality. Benchmark data from other states show that agency cases are typically batched to avoid this problem.

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[3] Please see Appendix A for a list of interviews and activities PK completed to gather data to support the findings in this section.

ALJ productivity, as measured by referrals per ALJ, has trended up since consolidation but is at the same level as experienced in 2002/03. The chart shown to the right illustrates this trend. This productivity indicator can be affected by other factors besides how hard or smart individual ALJs work. Caseload composition, workload spikes and staff turnover can impact the indicator.

Office productivity, as measured by the number of hours per referral, trended down from 2000/01 to 2003/04 and has been flat since. Again, factors such as caseload composition, workload spikes and staff can impact the indicator.

The charts below illustrate both these efficiency indicators.
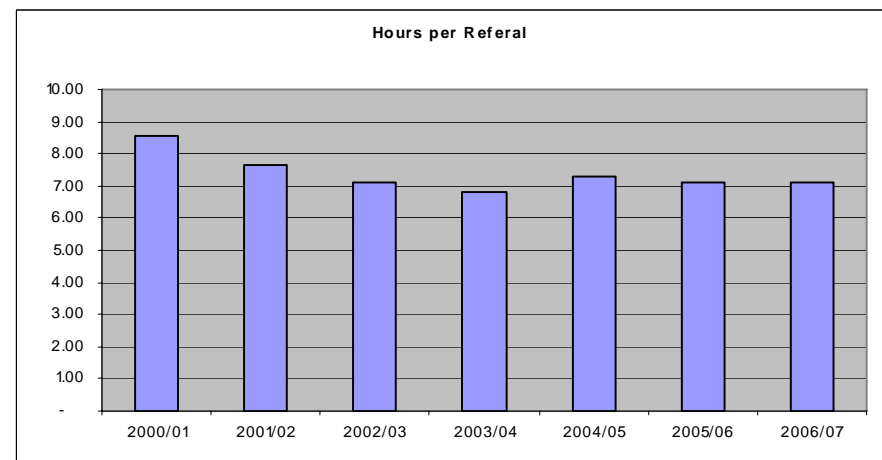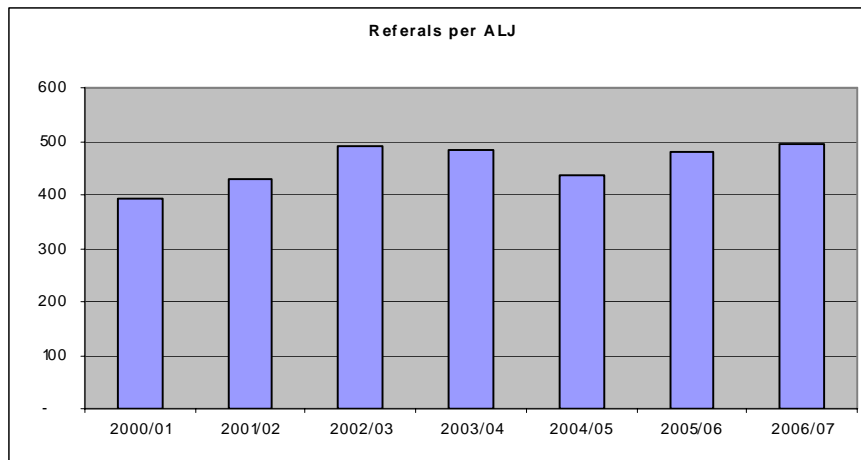
Cost efficiency, as measured by cost per referral, has varied since consolidation and is currently at almost the same level as it was in 2000/01. The chart below shows this trend. While it may be tempting to conclude that cost efficiency has not improved (or degraded) since consolidation there may be other factors that can influence this indicator. For example, while staff efficiency has increased since 2000/01, compensation costs have increased especially since 2003. In this case, improvements in unit costs may be masked by the impact of salary increases. Some observers note that while decision quality has improved they acknowledge that it comes at a price.

Cost per Referral
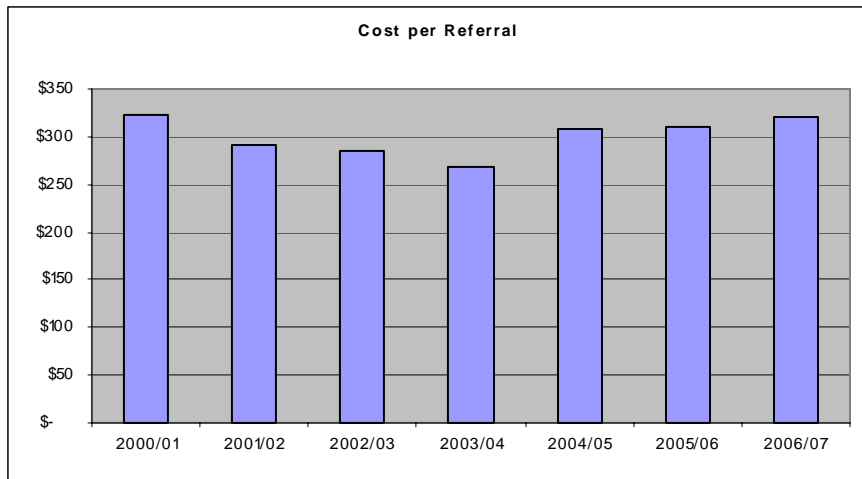
Customer satisfaction has been measured since 2002 by providing surveys to both parties involved in hearings (usually an agency and some constituent or business). Scores for both agencies and opposing parties (termed "customers" in the surveys) have been very positive since 2002. The charts shown below illustrate these results.
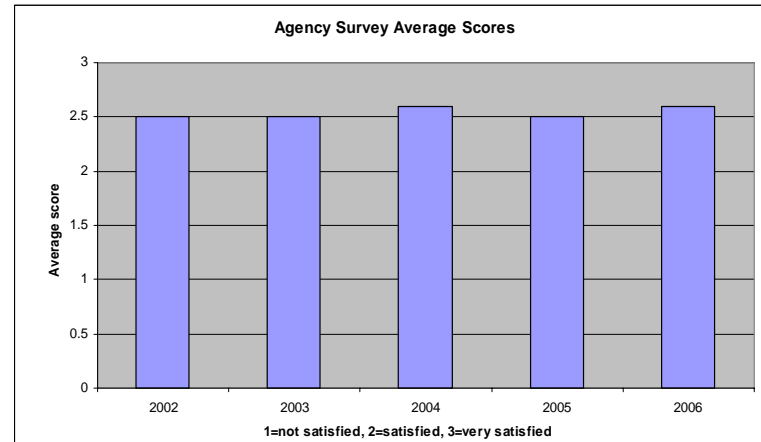
One issue involving fairness and transparency involves how OAH is organized within state government. As mentioned earlier, OAH was placed within the organizational structure of OED during the initial consolidation. This was done to avoid the overhead costs of creating a new, cabinet-level agency. This structure has raised some concerns as OED is a party to approximately 60% of the hearings that OAH handles and the Department could, theoretically, exert undue influence on the conduct of unemployment insurance (UI) hearings through its direct supervision of OAH staff and judges. On the other hand, most observers acknowledge that UI hearings are rarely controversial so the potential conflict of interest is miniscule. These observers also acknowledge that while the structure of OAH within state government is not optimal it represents the best compromise available.

Recommendation

Recommendation 1.1—Reinforce public perception of judicial independence

The OED and OAH should modify the public face of OAH to improve the appearance of judicial independence. The OED and OAH should:

- Change stationary (e.g., business cards, letter head) so that references to OED are deemphasized.

- Change website references and e-mail addresses so that references to OED are deemphasized.

- Change phone directory listings and outgoing telephone announcements so that references to OED are deemphasized.

SECTION 2—Organizational Development and Management

Findings

The Vision of OAH

Our understanding of the original vision for a consolidated hearing officer panel included the following attributes:

- An independent panel of ALJs structured to ensure both the appearance and reality of independent and impartial decision making for administrative hearings.

- A unified group of ALJs under unified management with a common organizational culture, set of policies, and systems.

- A division structured so that management, staff and facilities are easily accessible to its customers.

- A division with workload processes and systems that can maximize efficiency and provide cost effective quasi-judicial decision making services to Oregon residents, government agencies and businesses.

This vision is consistent with the intent of SB2525 and with national trends in the management of administrative hearings. One key finding is that this vision is apparent only after investigating the division and putting together the sum of many different information sources. A written vision of where OAH is going is not available. This makes it difficult to strategize about how to achieve the vision or to explain it to interested stakeholders such as OAH staff or the Oversight Committee.

OAH Initiatives

To enact the vision, the managers of the OAH and the OED have undertaken several initiatives since 2000:

- Consolidation of separate hearing officer panels from 7 agencies. [4]

- Templates for writing orders to help improve the consistency and quality of orders.

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[4] Approximately 60 additional agencies were required to send their administrative hearing referrals to OAH. The vast majority of referrals originate from the 7 agencies that consolidated ALJs.

- A code of ethics.

- Co-locating ALJ and administrative staff into three key offices: Portland, Salem and Eugene (on-going). This will include staff who are currently based out of their homes. This consolidation is designed to instill a common organizational culture, allow more efficient management, and deployment of systems and other work tools. [5]

- Organizing ALJs and administrative staff by geographical area (corresponding to the three offices). This will allow local staff to hear any case enhancing access and customer service.

- A case weighting system that should equitably allocate referrals to ALJs according to staff capacity and time standards for each type of referral.

- A new tiered salary structure for ALJs that rewards experience, versatility and training. [6]

- Cross training ALJs: mandatory for handling UI cases, and voluntary for other case types. This will allow more efficient allocation of staff to deal with workload spikes, especially for UI cases which have to adhere to federally-mandated timeline standards.

> The consultants benchmarked hearing officer panels in three western states: Colorado, Washington and Arizona to determine if there are precedents for implementing the types of initiatives underway in Oregon. We found:
>
> - All three states have undergone some degree of consolidation,
>
> - Cross training is required in WA and CO,
>
> - Only WA handles UI cases. In the other two states, UI cases are handled by the employment security agency, and
>
> - All three have implemented some form of regional co-location.

As with the vision of OAH, we were unable to find a document that encompasses these initiatives in a cohesive manner such as a strategic or business plan. This omission will be discussed in the next section.

Change Management Failures

Based on the vision of OAH (as we understand it to be) and the implicit strategy of OAH (as we understand it based on the sum of all the various initiatives), it appears that OAH is on sound footing with regard to achieving the intent of the Legislature in establishing the OAH. Furthermore, the vision and strategies appear to be appropriate given what peer

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[5] Eugene area staff have been co-located. Portland area staff are in the process of co-locating. Salem area staff will co-locate in late 2007.
[6] To be implemented in 2008

states have implemented. However, implementing such an aggressive range of changes to the administrative hearings system in such a short time has led to some severe change management issues.

It is obvious that OAH does have a strategy based on what the Office is undertaking. However, since there has been neither a collaborative, inclusive strategic planning exercise nor a written strategic plan, OAH staff have the perception that the strategy is being imposed in a top-down fashion. Furthermore, since the strategy is not in writing, many staff members either don't understand what the strategy is and/or they acknowledge the utility of the strategy. This is particularly true for strategy elements that deal with workload allocation models or cross-training. There has not been a communications plan associated with communicating the strategy or the various initiatives that have been undertaken. Finally, no change management plan has been crafted or implemented that would address the ancillary issues that occur whenever major changes are undertaken. These would include dealing with new organizational structures, culture changes, new processes, etc.

To gauge the extent and scope of culture and change management issues, the consultants implemented a culture survey that measured staff attitudes about topics such as equity in job assignments, management communications, and compensation. Survey results were particularly positive in the following areas:

- Regard for co-workers

- Enjoying the content of their jobs

Survey results were particularly negative in these areas:

- Training

- Management feedback

- Communication

Particularly negative scores were also logged when staff were asked if they would seek other employment if the opportunity presented itself. In other words, staff like what they do, just not where they do it. Negative scores seemed to be concentrated among ALJs, staff that transferred in to OAH during the 2000 consolidation and in the Portland offices.[7]

The consultants also conducted staff forums in Salem, Eugene and Portland and among OAH managers. Much of the feedback was consistent with the findings from the culture survey. The purpose of the staff forum was to allow participants to express their feelings and perceptions about their roles at OAH. Feelings and perceptions are inherently subjective, and in discussing those perceptions in this section, we have not attempted to validate or disprove the opinions of the participants. The perceptions discussed here may or may not accurately reflect reality, but for the purposes of this study we treat perceptions as source data.

For example, many forum participants expressed the feeling that their *workload* has increased. Our data shows that *case*load has remained relatively constant. However the work associated with each case or referral may have increased as cases become more complex. Additionally, forum participants also consistently voiced frustration over what they perceive to be a lack of transparency about the intentions, plans, and goals of OAH leadership. However, OAH leaders can point to specific examples of outreach to and communication with staff.

There was particularly strong concern in the forums about cross-training in and having to handle UI cases. Participants expressed that many of the technology issues related to consolidation have not yet been resolved, creating inefficiencies and confusion. Multiple calendaring and case management systems were the most prominent issues in this area. We heard numerous appeals for improving communication between staff and management.

Much of the forum and survey feedback is also consistent with what results from the lack of a documented strategy and change management plan especially when so many initiatives are undertaken in a short time. However the forums also revealed an intensity of feelings among both ALJs and administrative staff beyond what we would have expected even in an organization undergoing rapid change. In all three forums staff expressed fears that opinions expressed in the forums would be reported to OAH leadership possibly leading to personal consequences. A more extensive summary and discussion of the themes heard in the forums can be found in Appendix B.

The consultants also measured turnover to determine if the cultural, morale and change management issues are translating into excessive staff departures. We measured turnover among all ALJs and then only among ALJs hired by

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[7] Being trained critical thinkers, legal professionals tend to score lower than other professions however the OAH scores should be cause for concern.

OAH since the 2000 consolidation. We found that turnover has been averaging 9% a year for both groups. This is not an excessive turnover rate but is higher than would be found typically in this type of professional group where staff are highly trained and see their position as a career rather than a "job." Turnover in this type of environment is particularly troublesome given the long training and development time required to cultivate an effective ALJ. On the other hand, sick leave use is relatively low at 5 hours per month so morale issues are not translating into excessive absenteeism.

We believe that the severe change management issues observed at OAH are not insurmountable; but an immediate intervention should be implemented to deal with these change management issues.

Recommendations

Recommendation 2.1—Implement a plan for managing change

- We recommend that OAH develop a change management plan incorporating the following elements:
  - A clear and compelling vision of what OAH will look like and achieve as a result of the various initiatives. These could be modeled on the vision we provided on page 12. We found that OAH staff clearly support the consolidation, but the specifics of what it will eventually look like are unclear. A broader participatory process to establish a vision or build on our suggested vision should be initiated.
  - A convincing "business case" justification for the changes. This would include environmental, legal and business drivers that impact OAH. The business case should make clear to all staff and external stakeholders why the changes are the best choice for achieving the vision based on a sound analysis of their costs and benefits.
  - An inclusive strategic planning exercise for debating and shaping the goals and strategies of the agency. This would include an action plan and a communications plan for ensuring that everyone is involved and on board with the Office's strategy. Strategies are broad themes that must be further translated into specific action plans. OAH staff should be active participants in developing the action plans. Specific strategies should be incorporated to address the culture change issues that have sprung up (e.g., management feedback, training).
  - New performance expectations for managers and staff so all are clear on what they must do to successfully implement the strategies.
  - Training and other opportunities to help managers and staff meet the new expectations.
- While final decision-making authority should continue to rest with top management, the plan for managing change at OAH should be a participatory process that involves staff as well as management. This should be an opportunity for

OAH leadership to show a new and inclusive way of conducting its organizational business. ALJs should actively participate in business case development, and help frame the discussion.

- The change leadership plan and progress reports should be shared with the Oversight Committee.

Recommendation 2.2—Restart regular meetings of the Oversight Committee

OED has recently reactivated the OAH Oversight Committee, and we recommend that OAH and OED management continue to support regular meetings of this Committee. The Committee can be used to debate and publicize various initiatives and strategies within OAH and help build and sustain political support for these initiatives.

Recommendation 2.3—Consider organizing a full-time dedicated UI panel

We recommend that OAH consider establishing a dedicated, full-time panel of paraprofessionals (rather than attorneys) to process unemployment insurance (UI) administrative hearings. This panel will more closely match the nature and complexity of the hearings with the experience level of the staff assigned. Prior to the creation of OAH, UI appeals were handled by experienced senior staff in the OED. When UI appeals were transferred to OAH they were handled by ALJs. We believe that any prior concerns about UI appeals when handled by OED, likely were in regard to the appearance of impartiality of OED staff rather than their competence.

A dedicated UI panel will also allow ALJs to focus their efforts and experience on more complex hearings. Such an arrangement has precedent in that we found that having a separate panel of staff handling UI cases is practiced in other states. In fact, many states do not consolidate UI hearings within their centralized hearing panels at all. Episodic spikes in UI hearings can be addressed by assigning the overflow to ALJs in order to comply with federal guidelines on hearing timeliness. To promote the OAH goals of access and regional management, the UI panel can be divided between the northern and southern regions of OAH. Using paraprofessionals will also reduce the cost per UI referral.

SECTION 3—Key Performance Measures

Findings

Consultants reviewed OAH's current performance metrics, namely the five legislatively mandated metrics that the Chief ALJ reports to the Legislature each Session and the additional 16 operational indicators currently tracked by the Chief ALJ's office. Our review was conducted with the following questions in mind: *Are current performance metrics valid? How well do they translate to true performance measures? What do the operational indicators communicate to OAH managers and stakeholders? Do the operational indicators map back to goals of OAH (legislative intent)? What gaps exist, if any*?

Evaluation of OAH's Current Performance Metrics

OAH has developed extensive data collection processes and performance measures. These have been used primarily for internal management and summarized for periodically communicating to the Legislature. We believe these measures have been effective in OAH progress to date, but that this success can be built upon to increase the value of performance measurement for the Office. We reviewed the current measures as a starting point for increasing their value to OAH.

- ▪ *Key Performance Measures*—The Office of the Chief ALJ reports five key performance measures to the Oregon Legislature each Session. Those measures include:
  - o UI appeals timeliness: % of Unemployment Insurance cases requesting a hearing that are heard or otherwise resolved within 30 days of the date of request
  - o Non- UI appeals timeliness: % of orders issued within the standards established by user agencies
  - o UI appeals quality: % of UI hearings that meet a standard of quality
  - o Average days to issue an order: Average # of days to issue an order following the close of record
  - o Cost per referral for hearing: total cost of OAH programs divided by total number of referrals

  These five performance measures are meaningful to policymakers, and we suggest that OAH continue to use these measures to report OAH progress to the Legislature. As we will discuss later in this section, we further suggest that

OAH build on these measures and expand the stakeholder audience for reporting on the measures that the Office ultimately adopts.

▪ ***Operational Indicators***—In addition to the five measures discussed above, the Chief ALJ's office tracks data for 16 operational indicators. These indicators are thorough and appear to be useful for internal management of the division. However, the data gathered for the indicators may be overwhelming and have little value for external stakeholders. Two consultants collaborated on a review of the current indicators, both individually and as a group of measures. Our purpose in reviewing the indicators was to determine if the OAH is measuring meaningful things – that is to say, measures that both internal and external stakeholders will find useful. In addition, evaluating the group of indicators helps us to identify gaps – any areas that are not currently being tracked, but should be measured. Our review included an investigation of data sources and methods for compiling and analyzing the data. Our detailed evaluation of these 16 indicators can be found in Appendix C. Our review identified several gaps and areas for improvement:

  o We identified several gaps in the types of measures required to provide a comprehensive picture of the OAH's progress in meeting its goals:

    ▪ *Accessibility*—Measuring the degree to which a service is readily available and accessible to customers

    ▪ *Outcome/Effectiveness*—Measuring how achieving an agency goal is the result of the agency's program(s)

    ▪ *Customer Satisfaction*—Measuring the rate of satisfaction among the agency's customers (agencies and individuals).

    ▪ *Staff Satisfaction*—Measuring the work environment of the agency can be linked to productivity and organizational performance.

  o Although OAH goals are briefly described in the overall strategic plan for OED, OAH does not have its own strategic or business plan in place to provide a structure and vision for OAH initiatives or other strategic efforts. Without its own strategic plan, OAH is challenged to map performance measures to the division's goals, and we determined that the current indicators do not explicitly link to organizational goals.

  o There are some concerns with the potential for error that could affect the reliability of the data used to monitor performance metrics. The case management systems for several OAH programs allow multiple people to input data, increasing the risk of recording errors, missing or duplicative data, or misinterpretation of data. Additionally, a portion of the data set comes to the Chief ALJ's office from the OED database, over which OAH staff has no control.

o Although the five key performance measures are regularly reported to the Legislature, OAH does not produce an annual report for wider distribution that details progress toward OAH goals, nor does the Office currently report organizational performance measurement internally to staff.

Recommendations

Recommendation 3.1—Develop a strategic plan specifically for OAH

▪ We recommend that OAH develop a comprehensive strategic plan for the division with goals, objectives and performance measures that monitor progress toward those goals and objectives. A strategic, or business, plan will guide the development of effective performance measures. The strategic plan should be shared with the Oversight Committee (see Recommendation 2.2) and the Oversight Committee should get regular progress reports on performance measurement. In the short term, in the absence of a strategic plan, OAH should determine the goals of the Office by asking: "why was OAH created?" and, "what do our customers want from our services?" Please see Appendix D for a table linking the provisional goals listed below, and the groups that have a stake in each.

Provisional goals for OAH could include:[8]

    o Enhance public perception of the fairness & impartiality of the administrative hearings process.

    o Enhance public perception of judicial independence through separation of the hearings process from agencies

    o Increase efficiencies through application of cross training for ALJs while maintaining decision quality and adequate understanding of agency business

    o Increase efficiencies while scheduling, conducting, and resolving hearings in a timely manner

    o Increase cost efficiencies while maintaining the quality of the quasi-judicial process

    o Reduce costs through consolidating offices and staff while maintaining accessibility of OAH services

    o Increase customer satisfaction with the hearings process (agencies and citizens)

    o Increase staff satisfaction with their employment at OAH

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[8] Public Knowledge developed this list of provisional goals based on our understanding of legislative intent (see page 8) and our review of organizational development and management. Our recommendations for performance measures in Appendix E are mapped to these provisional goals.

Recommendation 3.2—Adopt and report on a balanced and comprehensive set of performance measures

We recommend that OAH adopt a balanced set of performance metrics that measures progress toward strategic and customer service goals. A balanced set of performance measures for OAH should include and build upon the metrics that the Office is mandated to report to the Legislature and the current set of operational metrics tracked by the Office of the Chief ALJ. A comprehensive set of metrics will perhaps include fewer measures than are currently in use, but metrics that will better measure outcomes, efficiency/productivity, quality, accessibility, customer satisfaction and staff satisfaction. We recommend that OAH continue to collect and analyze data on the operational indicators that help OAH management guide the organization, but that OAH consider expanding the stakeholder audience for performance measurement and adjust the set of metrics accordingly. Public Knowledge developed a provisional set of performance measures for OAH, that incorporates metrics already in use, recommendations from the Joint Legislative Audit Committee Report (2002), and best practice literature on performance measures, that can be found in Appendix E. The list of recommended performance measures take into account what is important to the various stakeholder audiences, as well as the considerations listed below:

- OAH's performance measures should link directly to the goals of the Office. It is important to acknowledge that some goals may be in tension with one another because different stakeholder groups may have competing interests in the organization's performance (see Appendix D). Performance measures can reflect this tension by measuring multiple aspects of OAH's performance.

- Customer satisfaction data is a key performance metric. Performance measures should link to questions asked on customer satisfaction surveys.

- We recommend that OAH conduct a peer review of a sample of cases each year in order to collect data for *quality measures*. Peer reviewers could be ALJs from Central Panels in other states, members of the Oregon State Bar Administrative Law Section, or professors from accredited Law Schools

Recommendation 3.3—Report performance measurement to an expanded internal and external stakeholder audience

A key reason for measuring performance is to ensure that the organization or program is accountable. Having sound performance data, and reporting it to the right people, builds the credibility of OAH. Public Knowledge commends the Chief ALJ for reporting on key metrics to the Legislature, and we recommend that OAH substantially increase its depth and scope of reporting on performance metrics to a broader stakeholder audience going forward. OAH's performance

measurement information should be reported to external stakeholders (such as the Legislature, customers, and citizens), as well as internal stakeholders (management and staff of the Office), on a regular basis.

Although it is a simplification, it can be useful to picture reporting in the form of a three-tier hierarchy applicable to OAH, like that shown in Diagram 1 on the following page.

- At the bottom of the pyramid are OAH managers and staff, those responsible for the day-to-day operations of the division. These users of performance measures will typically need lots of measures on a frequent basis to assess how they are doing and to identify whether short-term changes in operations are called for.

- One level up in the pyramid are the OED executive leadership, key interest groups (including customers) and the Oversight Committee. These audiences will be primarily interested in broader accountability, policy, strategic, and resource allocation issues and will typically not need the same level of detail as managers and staff.

- In the top tier are the general public and the chief elected officials (who represent the public) such as the Oregon Legislature.

- In general, the emphasis shifts from a broad array of measures (including outputs) toward a narrower focus on outcomes and efficiency as one moves up the reporting hierarchy, and the level of detail and frequency of reporting increase as one moves down the hierarchy. Please see Appendix E for a list of recommended performance measures for OAH, including where they would fall on a pyramid like the one featured in Diagram 1 below.[9]

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[9] The list of recommended performance measures in Appendix E is organized from the top of the pyramid down, although many of the measures should be reported at more than one level of the pyramid.

Diagram 1: Logical Hierarchy for Reporting Performance Metrics

LOGICAL HIERARCHY

Emphasis on Outcomes versus Outputs

Reporting Detail and Frequency

Public, Governor, and Legislature

Agency Executive Management and Key Customer Groups

Program Managers and Staff
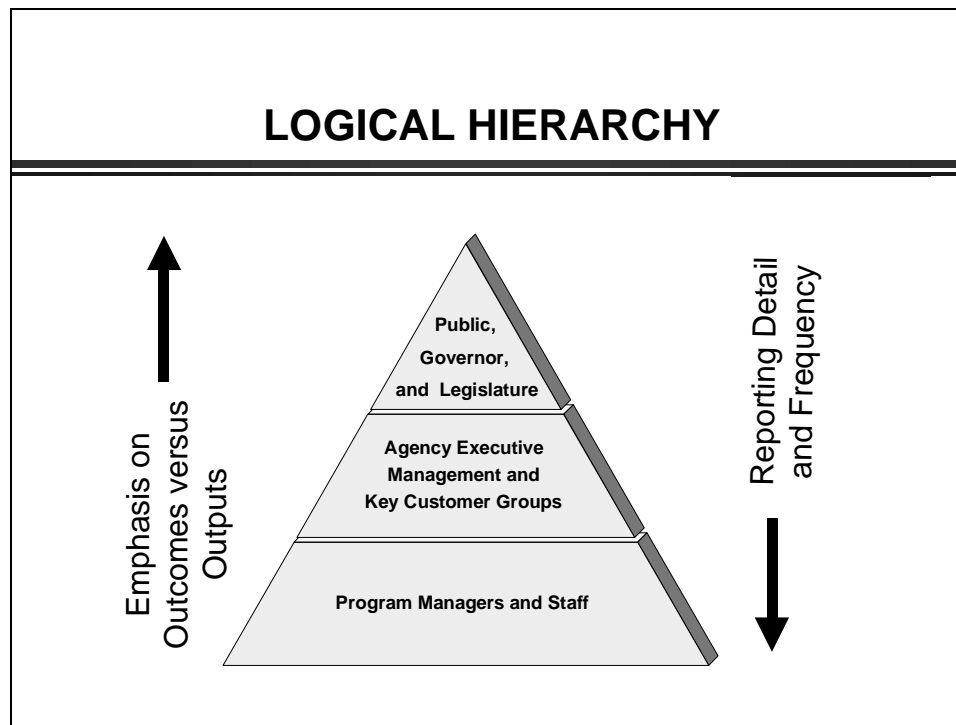
Recommendation 3.4—Produce an annual summary report

The Office of Administrative Hearings should produce an annual summary report of performance measurement results for external and internal audiences, including the Legislature, the public, customers, and OAH management and staff. The annual report should focus on progress toward goals, including a management statement to explain results of performance measurement and actions taken based on those results.

Recommendation 3.5—Use performance measures to make decisions about OAH programs and policies

A balanced set of performance measures will increase OAH's ability to plan and evaluate programs, policies and organizational development strategies. There are many possible uses for performance measurement for OAH, including developing policy, allocating resources (budgeting), improving organizational operations, motivating and supporting good performance, improving the measurement system, and increasing accountability of the Office to its stakeholders. The ultimate purpose of performance measurement is to continually improve the processes and functions of the organization.

Recommendation 3.6—Streamline front-end data input procedures

Recognizing that this effort is already underway in some OAH program areas, we recommend that, for all appropriate programs, one operational staff assume responsibility for all data input tasks. Some programs, primarily UI, may not be appropriate for this effort, but for all others we recommend following the lead of the Construction Contractors' Board, Department of Human Services, the Department of Education, and "405 cases" in streamlining data input tasks. This may eliminate many potential recording errors due to multiple individuals recording the data.

SECTION 4—Customer Satisfaction

Findings

Customer Satisfaction Survey

OAH has clearly defined its customers. OAH administers a separate survey to agency representatives and individuals participating in hearings, and compiles the data in separate reports.

Current surveys are not explicitly linked to overall OAH goals. Because the survey data is not used to measure progress toward goals, customer satisfaction data is not adequately used to communicate initiatives or achievements to OAH's permanent client base of Oregon agencies.

- The surveys do not provide data for current performance metrics—there is no link between operational indicators and customer satisfaction data.

- The office of the Chief ALJ draws customer satisfaction reports on an as-needed basis. Customer satisfaction data may be reported to the OAH Oversight Committee, the legislature, citizens, or for individual agencies upon request. In the past, results have been posted on the OAH website, although the website does not include such results currently.

- Customer satisfaction data is not reported to OAH staff or used to counsel staff.

- Agency surveys primarily measure *attention* (how well customers feel they are listened to), *communication* (how much customers feel they are kept informed about the process), and *resolution* (whether the customers feel they received the service they sought). Agency surveys are missing measures of:
  - Accessibility
  - Reliability
  - Responsiveness/Timeliness
  - Fairness

- Individual surveys primarily measure *attention*, *communication*, *resolution* and *responsiveness* (if customers receive the service in a timely manner). Individual surveys are missing measures of:
  - Accessibility

- o Reliability
- o Fairness

- OAH currently administers the survey simultaneously with issuing the order. This method could potentially bias a portion of the results because some respondents could be biased by a favorable or unfavorable outcome of their hearing and answer survey questions with that bias.

- OAH has a reasonable response rate to customer satisfaction surveys.
  - o In calendar year 2006, OAH sent 360 surveys to agency representatives with a 29% response rate.
  - o In calendar year 2006, OAH sent 174 surveys to individual customers, with a 36% response rate.

Recommendations

Recommendation 4.1—Use customer satisfaction surveys that link to performance metrics

The Office of Administrative Hearings needs a balanced customer satisfaction survey that is linked to overall performance metrics for the Office. We have developed a sample survey for each of OAH's customer groups. Those sample surveys can be found in Appendices F and G.

Recommendation 4.2—Administer surveys before the final order is issued

We recommend that OAH administer surveys immediately following the conclusion of the hearing and before the issuance of the order. Some respondents may be biased by a favorable or unfavorable outcome of the hearing. Administering the survey before respondents receive the disposition may reduce the chance of biased results. In addition, administering the survey closer to the actual date of the hearing could improve the response rate, as the experience is still fresh in the minds of the respondents.

Recommendation 4.3—Conduct focused analyses of customer satisfaction data

The Office of Administrative Hearings should conduct more focused analyses of customer satisfaction data, using the data to learn more about potential problems or issues.

- For example, some ALJs indicated that they are responsible for documenting all findings of fact in implied consent hearings, which may give appellants the impression that ALJs are representing the agency or biased on behalf of the agency. Comparing customer perception of impartiality in transportation hearings with scores from other agencies could help determine if this is the case.

Recommendation 4.4—Use customer satisfaction data to track progress toward specific agency goals

The Office of Administrative Hearings should link customer satisfaction results with other performance measures, helping to measure progress toward OAH goals.

- For example, customer satisfaction results could help measure the (provisional) goal: Maintain accessibility of *OAH offices.* Customer satisfaction data could answer the question: *does consolidating OAH offices impact customers' satisfaction with the accessibility of OAH services*?

APPENDIX A—Summary of PK Activities

- Conducted 14 one-on-one interviews with key OAH staff and stakeholders.

- Conducted a focus group with the OAH management team.

- Facilitated three townhall-style meetings with OAH staff in each of the three locations: Beaverton, Salem and Eugene.

- Administered an organization-wide culture survey to all 116 employees with 93 surveys completed and returned.

- Benchmarked OAH against three centralized hearing officer panels in three western states.

- Calculated and analyzed OAH turnover statistics.

- Calculated and analyzed cost and productivity trends.

- Evaluated various workload management practices of OAH.

- Analyzed customer satisfaction survey data.

- Evaluated OAH customer satisfaction survey questions.

- Evaluated OAH performance measures, individually and as a group.

- Attended one meeting of the OAH Oversight Committee.

- Prepared this report.

APPENDIX B—Themes from Staff Forums

The following six themes summarize the thoughts and opinions of staff that attended the three forums, and surveys that forum participants completed and mailed to us after the forums were concluded. The findings we present represent the feelings and perceptions of staff. Feelings and perceptions are inherently subjective, and in summarizing those perceptions here, we have not attempted to validate or disprove the opinions of the participants. The perceptions summarized here may or may not accurately reflect reality, but for the purposes of this study we treat perceptions as source data.

For example, many OAH staff expressed the feeling that their workload has increased. Our data shows that caseload has remained relatively constant. However the work associated with each case or referral may have increased as cases become more complex. As an additional example, OAH staff also consistently voiced frustration over what they perceive to be a lack of transparency about the intentions, plans, and goals of OAH leadership. However, OAH leaders can point to specific examples of outreach and communication with staff.

Our purpose in presenting this information is not to determine who is right or wrong, or whether staff should feel the way they do. Our purpose is to acknowledge the feelings and perceptions that are reality to some OAH staff, and to suggest ways to address these perceptions for the overall betterment of the Office.

Theme 1—Consolidation of administrative hearings to a central panel was a positive move for Oregon
Overall, participants felt that the move to consolidate was a positive, citizen-oriented step. The consolidated panel increases the fairness and impartiality of administrative hearings. Separating hearings from agencies that have a stake in the hearings has decreased the perception that agencies are influencing hearings.

Theme 2—Consolidation may not have gone far enough in creating a truly independent Office
Many participants believe that making an effort to distinguish the OAH as a quasi stand-alone organization, while still housing it within OED, would increase the perception of independence and impartiality. Participants cited examples such as the OAH answering service indicating that the caller has reached the OED, and OAH stationary bearing the OED name and logo. Participants believe that the general public continues to see agencies and OAH as one and the same.

Theme 3— The concept of cross training is a good thing, but should not be mandatory
Participants appreciate the increased scope of knowledge that cross training provides. Cross-trained ALJs have more flexibility. On one hand, participants oppose mandatory cross-training, including training in unemployment insurance (UI). Participating ALJs feel that cross training in UI should be a choice, as it is for other areas. Cross training dilutes the expertise of ALJs and decreases efficiencies because ALJs have to spend more time preparing for cases in subject matters with which they are not familiar. On the other hand, some participants who do want additional cross training, feel that management are inconsistent with decisions regarding who is offered training opportunities.

Theme 4— ALJ workloads have increased
Participants feel that workloads have increased dramatically over the past few years, resulting in a necessity to sacrifice quality for efficiency. Additionally, the complexity of cases has increased but expected timeframes for closing cases has not adjusted accordingly. Much of the increased workload is attributed to the requirement for all ALJs to hear UI cases in order to reduce the backlog. Staff was told that this increase would be temporary, but they have not experienced a caseload decrease since the backlog was diminished. Many participants believe that OAH is understaffed, which has contributed to the increased caseload and workload.

Theme 5—Technology issues related to consolidation have not yet been resolved
Although OAH has been able to whittle its seven case management systems down to three, participants continue to view the multiple systems as problematic. Calendaring and scheduling present the most prominent issues for participants. Operational staff experience decreased efficiencies because they have to navigate multiple calendars and scheduling needs. ALJs would like to see more resources dedicated to technology such as laptop computers for travel and telecommuting and an enhanced computer network that would improve internal communication.

Theme 6—Communication between management and staff should be improved
Participants view OAH as a "top down" organization. Participants believe that staff is not involved in management decisions – neither organization-level decisions nor decisions that affect their daily work (e.g. cross-training, case allocation). Increased transparency of management decisions would help remedy this. Participants would like increased communication from management about things like the overall vision and direction for the organization and results of organizational performance measurement. Participants would also like increased positive communication – acknowledgment of excellence and recognition of staff members that have to deal with the public.

APPENDIX C—Review of OAH Operational Indicators

Individual Operational Indicators—As part of our review of the operational indicators currently tracked by the OAH Office of Chief ALJ, Public Knowledge evaluated each individual indicator, using a proven evaluation checklist. The checklist was developed by PK and has been used to evaluate and rate performance measures from a number of public agencies and programs for several years. Two consultants collaborated on the rating. Indicators that received higher ratings were incorporated into the set of recommended measures found in Section 3. The checklist included the criteria listed below.

- **Controllable**—the program can substantially influence performance on this indicator
- **System-focused**—It is clear that progress on this indicator will help achieve goals for the program as a whole
- **Consistent with budget directions**—Focuses on outcomes or efficiency or outputs
- **Valid**—Measures what it is intended to measure; link to goal obvious to an independent party
- **Valued**—Staff should see a clear link between what they do and this indicator; managers and policymakers should find the information useful
- **Avoids unintended consequences**—Not likely to create incentives that do not lead to real service improvement
- **Cost-effective**—Data collection costs are justified; existing or inexpensive or non-disruptive data sources can be used
- **Reliable**—The data used for the indicator are complete, there are no known accuracy problems, collection methods are unbiased, and there is an audit trail to confirm the findings for an independent reviewer

We used a rating scale of 3 points:

> **3—"Yes, the indicators taken as a whole, definitely meet this criterion"**
> **2—"The indicators partially meet this criterion, but there are shortfalls"**
> **1—"There is no evidence that the indicators meet this criterion at all"**

Individual Operational Indicators

Current Operational Indicator	Type of Measure	Control-lable?	System focused?	Consis-tent w/ budget direction?	Valid?	Valued?	Understan dable?	Avoids unintende d conse-quences?	Cost effective?	Reliable?	Primary Stake holder(s)
Average Number of Referrals Per Month	Workload	1	2	2	2	3	3	3	N/A	2	Agencies
Average Cost Per Referral	Efficiency	3	3	3	3	3	3	2	3	2	Legislature Agencies
Average Total Cost Per Hour	Efficiency	3	2	3	2	2	2	2	3	2	Legislature Agencies
Percentage Personal Services to Total Cost	Efficiency	3	1	3	2	1	2	2	3	2	OAH mgmt
Percentage of Services and Supplies to Total Cost	Efficiency	3	1	3	2	1	2	2	3	2	OAH mgmt
Average Personal Services Per Hour	Efficiency/Pro ductivity	3	2	3	2	1	2	2	3	2	OAH mgmt
Average Hours Per Referral	Efficiency/Pro ductivity (Workload)	3	3	3	2	3	3	2	3	2	OAH mgmt
Average Hours Per Disposition	Input (Workload)	3	3	3	2	2	2	2	3	2	OAH mgmt
Average Cost Per Disposition	Efficiency /Productivity	3	2	3	2	2	3	2	3	2	Legislature Agencies
ALJ Hours Per Disposition	Input Efficiency/Pro ductivity	3	3	3	3	3	3	2	3	2	OAH mgmt
Average ALJ Hours Per Referral	Input Efficiency/Pro ductivity	3	3	3	3	3	3	2	3	2	OAH mgmt
Ratio of ALJ Hours to OS Hours Billed*	Efficiency/Pro ductivity										OAH mgmt

Current Operational Indicator	Type of Measure	Control-lable?	System focused?	Consis-tent w/ budget direction?	Valid?	Valued?	Understan dable?	Avoids unintende d conse-quences?	Cost effective?	Reliable?	Primary Stake holder(s)
All FTE (monthly average)*	Efficiency/Pro ductivity										OAH mgmt
ALJ FTE Used (monthly average)*	Efficiency/Pro ductivity										OAH mgmt
OAH Overhead (totals for OAH)*	Efficiency/Pro ductivity										Legislature OAH mgmt

* These indicators do not seem like indicators of performance, but rather management tools. Therefore Public Knowledge did not review these indicators against the checklist.

Group of Indicators—We used an evaluation "score sheet" to assess the *group* of indicators. The purpose of evaluating the group of indicators together is to determine if the Office is measuring meaningful things – that is to say, measures that both internal and external stakeholders will find useful. In addition, evaluating the group of indicators helps us to identify gaps – any areas that are not currently being tracked, but should be measured.

We used the criteria and sub-criteria listed in the table below to assess the quality of the group of operational indicators. These criteria were adapted by Public Knowledge and have been used to assess the performance measures of public agencies and programs for several years. The criteria are consistent with performance measure best practice literature. We used a rating scale of 3 points:

> **3—"Yes, the indicators taken as a whole, definitely meet this criterion"**
> **2—"The indicators partially meet this criterion, but there are shortfalls"**
> **1—"There is no evidence that the indicators meet this criterion at all"**

We assigned the group of operational indicators a **2 overall for Comprehensive**. We assigned the group of indicators a **1 overall for Concise**. We explain our evaluation in detail in the tables below.

Group of Operational Indicators Evaluated for *Comprehensive* Criteria

#	Sub-Criteria	Sub-Score	Explanation
1	The group of indicators includes internal (for program management) and external (for stakeholder review) measures	2	Although there are some indicators that may provide data to external stakeholders (such as the legislature or customer agencies), 12 of the 16 indicators (or 75%) are solely for internal program management.
2	There is an indicator for each key program goal	1	It is not clear that as a group, the indicators map back to the goals of OAH (with the exception of *cost effectiveness*).
3	For indicators connected to the budget, the measures reflect major organizational programs, processes, or activities	3	The indicators connected to the budget appear to be concerned with cost of hearings, which is the major organizational program of OAH.
4	There is an indicator (or indicators) for program efficiency	3	The majority of the indicators (13 of 16) measure efficiency.
5	There is an indicator (or indicators) of each expected outcome inherent in the program goals and within the agency's sphere of influence	1	The group of indicators does not appear to map to OAH goals or outcome objectives.
6	The indicators are linked to planned objective methods to ascertain customer satisfaction	2	While the OAH does administer a brief customer satisfaction survey, it is not linked to any of the operational indicators.
7	The interests and success expectations of all significant interested parties (citizens, customers, stakeholders, legislature, and staff) are represented in the group of indicators	2	The legislature and other stakeholders may be interested in the cost effectiveness measures, but overall the group of operational indicators primarily represents the interests of OAH management.
Average Score		**2**	

Group of Operational Indicators Evaluated for *Concise* Criteria

#	Sub-Criteria	Sub-Score	Explanation
1	The number of indicators is limited to those that are most significant and necessary to measure the success of stated goals and strategies	1	It does not appear that the current operational indicators were developed to link with the goals of OAH, with the exception of cost efficiencies. The indicators, taken as a group, measure many details of cost efficiency, but overlook the larger, strategic goals of OAH. For example, there are eight cost indicators, out of 13 total efficiency measures, but there is no indicator of customer satisfaction with OAH services.
2	Duplicative or near-duplicative indicators are avoided,	1	Many of the indicators are duplicative in nature, measuring nuances of

	unless there is a satisfactory rationale for having two or more measures of essentially the same thing		the same thing. For example: ▪ Average Hours Per Referral ▪ Average Hours Per Disposition ▪ ALJ Hours Per Disposition
3	The number of indicators will not overwhelm managers or external audiences	1	The total number of indicators could be overwhelming for both managers and an external audience because as a group the 16 indicators measure fine distinctions of the same thing. It can be difficult to determine the shades of meaning among several indicators that at first glance seem the same. For example: ▪ Average Hours Per Referral ▪ Average Hours Per Disposition ▪ ALJ Hours Per Disposition
	Average Score	**1**	

APPENDIX D—Public Performance Profile Framework

Public Knowledge uses a Public Performance Profile framework to ensure that performance measures link to goals that link to the interests of each stakeholder group. We incorporated the provisional goals from Section 3 into this framework in the table below.

#	OAH Provisional Goals — "What represents success for OAH for each of the significant interested parties?"	Interested parties perspectives (stakeholders)				
		Customers (Citizens)	Customers (Agencies)	Legislature	OAH Staff	OAH Management
1	Enhance public perception of the fairness & impartiality of the administrative hearings process.	X	X	X		
2	Enhance public perception of judicial independence through separation of the hearings process from agencies	X	X	X		
3	Increase efficiencies through application of cross training for ALJs *while* maintaining decision quality and adequate understanding of agency business	X	X	X		X
4	Increase efficiencies *while* scheduling, conducting, and resolving hearings in a timely manner	X	X	X	X	X
5	Increase cost efficiencies *while* maintaining the quality of the quasi-judicial process	X	X	X		X
6	Reduce costs through consolidating offices and staff *while* maintaining accessibility of OAH services	X	X			X
7	Increase customer satisfaction with the hearings process (agencies and citizens)	X	X	X	X	X
8	Increase staff satisfaction with their employment at OAH				X	X

APPENDIX E—Provisional Performance Measures for OAH

The consultants developed a provisional set of performance measures for OAH that incorporates metrics already in use, recommendations from the Joint Legislative Audit Committee Report (2002), and best practice literature on performance measures. Our recommendations for a balanced set of performance measures are outlined in the table below. Our recommendations include information on the type of recommended measure (i.e., what the metric is measuring); any additional information or explanation relevant to the measure (such as whether the metric is currently tracked); the source of data for tracking the measure; how frequently the data should be collected; how often OAH should report on the measure; who should be responsible for collecting the data; and the primary stakeholder(s) that would be interested in the measure.

Recommended Performance Measures for OAH

#	Type of Measure	Measure	Description/ Note	Data source(s)	Collection frequency	Reporting frequency	Respons- ible party	Primary stake- holder (s)
1	Outcome (reliability)	% customers reporting that ALJs appear fair and impartial	Mapped to Customer Satisfaction survey	Customer satisfaction survey data	Monthly	Quarterly Annually (or by legislative session if applicable)	Office of Chief ALJ	Legislature Customers (Agency) Customers (Individuals)
2	Customer satisfaction (outcome)	% customers indicating overall satisfaction with hearings process	Mapped to Customer Satisfaction survey	Customer satisfaction survey data	Monthly	Quarterly Annually (or by legislative session if applicable)	Office of Chief ALJ	Legislature Customers (Agency) Customers (Individuals)
3	Quality	Percent of hearings meeting a standard of quality. (E.g.,	Compare with industry standards/ben	Case management system?	Monthly	Quarterly Annually	OAH Tech Manager	Legislature Customers

#	Type of Measure	Measure	Description/ Note	Data source(s)	Collection frequency	Reporting frequency	Respons-ible party	Primary stake-holder (s)
		number of orders affirmed and number disaffirmed by agencies.)	chmarks and federal requirements OAH currently tracks this data	OAH database Peer review		(or by legislative session if applicable)		(Agency) Customers (Individuals)
4	Efficiency/ Productivity	Average cost of UI hearings	OAH currently tracks this data	OAH budget OAH time system Peer review	Monthly	Quarterly Annually (or by legislative session if applicable)	OAH Tech Manager	Legislature OAH Management
5	Efficiency/ Productivity	Average cost of all other hearings	OAH currently tracks this data	OAH budget OAH time system	Monthly	Quarterly Annually (or by legislative session if applicable)	OAH Tech Manager	Legislature OAH Management
6	Output	Number of orders issued by OAH	OAH currently tracks this data	Case management system	Monthly	Quarterly Annually (or by legislative session if applicable)	OAH Tech Manager	Legislature Customers (Agency)
7	Quality	Average number of days from referral to close of record	Broken down by program area to comply with fed. standards, including UI OAH currently	OAH calendar Case management system Peer review	Monthly	Quarterly Annually (or by legislative session if applicable)	OAH Tech Manager	Legislature Customers (Agency) Customers (Individuals)

#	Type of Measure	Measure	Description/ Note	Data source(s)	Collection frequency	Reporting frequency	Respons-ible party	Primary stake-holder (s)
			tracks this data					
8	Outcome (communication)	% customers reporting that communication regarding hearings process is clear and informative	Mapped to Customer Satisfaction survey	Customer satisfaction survey data	Monthly	Quarterly Annually	Office of Chief ALJ	Customers (Agency) Customers (Individuals)
9	Workload	Number of cases referred to OAH by agencies	OAH currently tracks this data	OAH case management system	Monthly	Quarterly Annually	OAH Tech Manager	Customers (Agency)
10	Input	Number of ALJ hours per UI hearing (referral to close of record)	OAH currently tracks this data	OAH time system/OAH timeliness report Peer review	Monthly	Quarterly Annually	OAH Tech Manager	Customers (OED)
11	Input	Number of ALJ hours per all other hearings (referral to close of record)	Broken down by program if necessary OAH currently tracks this data	OAH time system/OAH timeliness report Peer review	Monthly	Quarterly Annually	OAH Tech Manager	Customers (Agency)
12	Access-ibility	% customers reporting that OAH services are accessible	Mapped to Customer Satisfaction survey	Customer satisfaction survey data	Monthly	Quarterly Annually	Office of Chief ALJ	Customers (Individuals)
13	Workload	Number of hearings convened by OAH		OAH calendar Case management system	Monthly	Quarterly Annually	OAH Tech Manager	Customers (Agency) OAH Management and staff
14	Staff	% staff indicating	Currently no	Staff survey	Monthly	Quarterly	Office of Chief	OAH

#	Type of Measure	Measure	Description/ Note	Data source(s)	Collection frequency	Reporting frequency	Respons- ible party	Primary stake- holder (s)
	satisfaction	job satisfaction	staff survey	data		Annually	ALJ	Management and Staff

OAH Customer Satisfaction Survey—Individuals
Example

We would like to have your feedback on your experience with the Office of Administrative Hearings. The information will be used to make the Office better.

Please take a few minutes to answer these questions and return the survey to the Office of Administrative Hearings.
You may email the survey to: <mark>Email</mark>.
You may also mail a hard copy of the survey to: <mark>Address</mark>

Please circle the number that corresponds to your answer.

1) Was the location for OAH services convenient for you to access?

1	2	3	4	5

Very convenient   Not at all convenient

2) Was your request for a hearing handled in a professional and courteous manner?

1	2	3	4	5

Very professional and courteous   Not at all professional or courteous

3) Did the Administrative Law Judge treat you professionally and courteously?

1	2	3	4	5

Very professional and courteous   Not at all professional or courteous

4) Did OAH staff and the Administrative Law Judge explain the hearings process clearly to you?

1	2	3	4	5

Very clear   Not at all clear

5) Was written communication regarding the hearing prompt, clear and informative?

1	2	3	4	5

Very prompt, clear and informative Not at all prompt, clear or informative

6) Did the Administrative Law Judge appear prepared and informed about the details of your case?

1	2	3	4	5

Very prepared and informed Not at all prepared or informed

7) Did the Administrative Law Judge act in a fair and impartial manner?

1	2	3	4	5

Very fair and impartial Not at all fair or impartial

8) Did the Administrative Law Judge appear unbiased toward you?

1	2	3	4	5

Unbiased Biased

9) Were you able to tell your side of the story during the hearing?

1	2	3	4	5

Yes No

10) Did the OAH complete the hearing in a time that was satisfactory to you?

1	2	3	4	5

Satisfactory Unsatisfactory

11) Were you satisfied with your overall experience with OAH?

1	2	3	4	5

Satisfied Unsatisfied

APPENDIX G—Sample Customer Satisfaction Survey for Agencies

OAH Customer Satisfaction Survey—Agencies
Example

We would like to have your feedback on your experience with the Office of Administrative Hearings. The information will be used to make the agency better.

Please take a few minutes to answer these questions and return the survey to the Office of Administrative Hearings.
You may email the survey to: Email.
You may also mail a hard copy of the survey to: Address

1) Was the location for OAH services convenient for you to access?

1	2	3	4	5

Very convenient   Not at all convenient

2) Was your request for a hearing handled in a professional and courteous manner?

1	2	3	4	5

Very professional and courteous   Not at all professional or courteous

3) Did the Administrative Law Judge treat you professionally and courteously?

1	2	3	4	5

Very professional and courteous   Not at all professional or courteous

4) Did OAH staff and the Administrative Law Judge explain the hearings process clearly to you?

1	2	3	4	5

Very clear explanation   Explanation not at all clear

5) Was written communication regarding the hearing prompt, clear and informative?

1	2	3	4	5
Very prompt, clear and informative			Not at all prompt, clear or informative	

6) Did the Administrative Law Judge appear prepared and informed about the details of the case?

1	2	3	4	5
Very prepared and informed			Not at all prepared or informed	

7) Were you confident that the Administrative Law Judge understood your agency's business?

1	2	3	4	5
Very confident				Not confident

8) Did the Administrative Law Judge act in a fair and impartial manner?

1	2	3	4	5
Very fair and impartial			Not at all fair or impartial	

9) Did the Administrative Law Judge appear unbiased toward you?

1	2	3	4	5
Unbiased				Biased

10) Did the OAH complete the hearing in a time that was satisfactory to you?

1	2	3	4	5
Satisfactory				Unsatisfactory

11) Were you satisfied with your overall experience with OAH?

1	2	3	4	5
Satisfied				Unsatisfied