

THE COUNCIL OF THE CITY OF NEW YORK



Hon. Melissa Mark-Viverito  
Speaker of the Council

Hon. Rafael L. Espinal, Jr.  
Chair, Committee on Consumer Affairs

## Hearing on the Fiscal 2015 Preliminary Budget & the Fiscal 2014 Preliminary Mayor's Management Report

Department of Consumer Affairs

**March 7, 2014**

**Nathan Toth, Deputy Director**  
**Aliya Ali, Legislative Financial Analyst**



# Table of Contents

Department of Consumer Affairs Overview..... 1

Fiscal 2015 Preliminary Plan Highlights..... 1

Department of Consumer Affairs Financial Summary..... 3

Revenue Summary..... 4

Program Areas..... 6

    Licensing/Enforcement ..... 6

    Other than Personal Services (OTPS)..... 8

    Administration ..... 9

    Adjudication ..... 11

Appendix A..... 12

    Budget Actions in the November and February Plans ..... 12

Appendix B..... 13

    Contract Budget ..... 13

Appendix C..... 14

    Fiscal 2014 Mayor’s Management Report Performance Measures ..... 14



## Department of Consumer Affairs Overview

The Department of Consumer Affairs (DCA) ensures that New York City's consumers and businesses benefit from a fair and vibrant marketplace. DCA issues more than 73,000 licenses in 55 business categories and performs onsite inspections to ensure compliance with license regulations, weights and measures regulations, and the New York City Consumer Protection Law. DCA mediates and resolves individual consumer complaints, obtains restitution for consumers, and brings litigation and enforcement actions against repeat violators to halt deceptive advertising and trade practices. Through press releases and press conferences, public awareness campaigns, community outreach, public hearings, the 311 Customer Service Center, its website, and publications, DCA educates the public and businesses about their rights and responsibilities.

## Fiscal 2015 Preliminary Plan Highlights

| <i>Dollars in Thousands</i>  | 2012<br>Actual  | 2013<br>Actual  | 2014<br>Adopted | 2014<br>Prelim. Plan | 2015<br>Prelim. Plan | *Difference<br>2014 - 2015 |
|------------------------------|-----------------|-----------------|-----------------|----------------------|----------------------|----------------------------|
| Personal Services            | \$17,618        | \$18,813        | \$19,561        | \$18,805             | \$23,258             | \$3,697                    |
| Other Than Personal Services | 8,332           | 8,472           | 8,416           | 8,062                | 8,900                | 484                        |
| <b>Agency Total</b>          | <b>\$25,950</b> | <b>\$27,285</b> | <b>\$27,977</b> | <b>\$26,867</b>      | <b>\$32,158</b>      | <b>\$4,180</b>             |

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan funding.

**Earned Sick Time Act.** DCA's Fiscal 2015 Preliminary Budget reflects a \$4.2 million, or 14.9% increase when compared to the Fiscal 2014 Adopted Budget. This is mainly attributable to an increase in personal services for the hiring of 17 new employees to implement and enforce the Earned Sick Time Act. DCA's responsibilities among others include extensive outreach to inform New Yorkers of their rights, educating employers on their responsibility, investigation of complaints, finding remedies for complaints and ensuring businesses comply with the law. The cost of hiring the 17 new staff members is \$632,500 in Fiscal 2014 and \$1,265,000 per year in the following fiscal years. Other costs include outreach campaign, additional space for the new staff and translation services. These costs sum up to a total of \$4,150,676 in Fiscal 2014 and \$546,700 in the out years.

**Cure Period Law.** Approximately 1/3 of DCA's violations issued annually are curable under this law. 2 additional employees will be hired to review Proof of Compliance Self-Certification Letters and perform the necessary data entry associated with the cures. Salary of the new 2 technical positions is \$52,000 in Fiscal 2014 and \$104,000 per year in the out years. There is also a small general supplies and services cost associated with the law and is \$8,092 in Fiscal 2014 and \$100 per year in the out years.

**New Tobacco Law.** Although DCA already licenses and inspects cigarette retail dealers in NYC for sales to minors, the inspections are paid for through grant funding from New York State Department of Health to enforce Adolescent Tobacco Use Prevention Act (ATUPA), under which the legal age is still 18. To enforce the legislation, DCA requires 6 enforcement vehicles and will have expenses related to mailing costs for distribution of new signage to businesses, payroll and transportation cost of decoys and general supplies and services. This amounts to \$269,797 for Fiscal 2014 and \$161,445 per year in the out years.

**Online Service Enhancement Project.** This project has already begun and is making it possible for businesses to apply for licenses online and has modernized data reporting capabilities. The 7

new IT staff members will provide post-production Accela support for end-users from DCA, The Department of Health and Mental Hygiene and The Department of Small Business Services. The support staff will also be responsible for administration, document management, reports and correspondence management, basic and advanced troubleshooting, configuration migrations, applications monitoring, global settings etc for DCA's deployment of Accela. The 7 new IT staff members increases personal service cost by \$450,000 in Fiscal 2014 and \$600,000 per year in the out years. Additionally DCA was granted funding for Accela system integrators to temporarily assume vital support responsibilities until all permanent DCA support staff are hired and fully trained. Increase in costs also include, cost of overtime and temporary workers to support DCA's transition from CAMIS to the Accela system. The total cost of the project transition is \$1,895,591 in Fiscal 2014.

**CITIServ-DCA Transfer.** DoITT has been providing DCA with a high-performance and resilient infrastructure hosting environment, hardware maintenance and software maintenance for its core business application servers. DCA has a Memorandum of Understanding (MOU) with DoITT to pay \$14,807 annually for these services. Rather than transfer funding each fiscal year to DoITT for these expenses, a baseline technical adjustment was processed.

**Consumer Initiative Grant.** Sleepy's Inc. paid DCA \$50,000 in settlement to fund future consumer initiatives. Since these funds were not utilized in previous fiscal years, they have been rolled over for use in Fiscal 2014.

**FY14 LGRMIF Grant.** DCA was approved for a \$75,000 grant from the Local Government Records Management Improvement Fund (LGRMIF) to purchase and install a shelving system for its records warehouse to systematically organize and file inactive records.

**NYS Tobacco Grant Funds.** DCA entered into a new 5 year contract with the NYS Department of Health to enforce the Adolescent Tobacco Use Prevention Act (ATUPA). The increase in budget for Fiscal 2014 is \$1,994,864 and \$1,917,590 for the out years.

**To Roll CFED Funds to FY14.** DCA's Office of Financial Empowerment received \$35,275 from a nonprofit corporation called The Corporation for Enterprise Development (CFED), to continue its participation on a research project to assess the effectiveness of having access to financial counseling in certain populations from September 28, 2012 through September 27, 2013. This project spanned across multiple fiscal years and the funding not used during FY13 was rolled over Fiscal 2014.

**To Reallocate Funds for DCA & To Reallocate IC Funds for DCA.** The Department of Housing Preservation and Development (HPD) has an MOU with the Office of Financial Empowerment in DCA to leverage DCA's existing Financial Empowerment Center contracts for financial counseling services. \$57,591 in Fiscal 2014 reflects a transfer from HPD to extend financial counseling services to HPD clients.

## Department of Consumer Affairs Financial Summary

| <i>Dollars in Thousands</i>   | 2012            | 2013            | 2014            | 2014            | 2015            | *Difference    |
|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------|
|                               | Actual          | Actual          | Adopted         | Prelim. Plan    | Prelim. Plan    | 2014 - 2015    |
| <b>Budget by Program Area</b> |                 |                 |                 |                 |                 |                |
| Administration                | \$2,538         | \$5,328         | \$5,774         | \$6,024         | \$6,374         | \$600          |
| Adjunction                    | 2,265           | 2,558           | 3,030           | 3,030           | 3,030           | 0              |
| Licensing/Enforcement         | 12,815          | 10,928          | 10,757          | 13,386          | 13,854          | 3,097          |
| Other Than Personal Services  | 8,332           | 8,472           | 8,416           | 15,171          | 8,900           | 484            |
| <b>TOTAL</b>                  | <b>\$25,950</b> | <b>\$27,286</b> | <b>\$27,977</b> | <b>\$37,611</b> | <b>\$32,158</b> | <b>\$4,180</b> |
| <b>Funding</b>                |                 |                 |                 |                 |                 |                |
| City Funds                    | N/A             | N/A             | \$25,947        | \$33,390        | \$28,209        | \$2,263        |
| Other Categorical             | N/A             | N/A             | 0               | 63              | 0               | 0              |
| Capital- IFA                  | N/A             | N/A             | 0               | 2,179           | 0               | 0              |
| State                         | N/A             | N/A             | 109             | 0               | 2,027           | 1,918          |
| Federal - CD                  | N/A             | N/A             | 0               | 0               | 0               | 0              |
| Federal - Other               | N/A             | N/A             | 0               | 0               | 0               | 0              |
| Intra City                    | N/A             | N/A             | 1,921           | 1,979           | 1,921           | 0              |
| <b>TOTAL</b>                  |                 |                 | <b>\$27,977</b> | <b>\$37,611</b> | <b>\$32,158</b> | <b>\$4,180</b> |
| <b>Positions</b>              |                 |                 |                 |                 |                 |                |
| <b>TOTAL</b>                  | <b>259</b>      | <b>247</b>      | <b>338</b>      | <b>388</b>      | <b>388</b>      | <b>50</b>      |

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan Funding.

## Revenue Summary

| <b>Agency Revenue Overview</b> |                            |                      |                                |
|--------------------------------|----------------------------|----------------------|--------------------------------|
| <i>Dollars in Thousands</i>    |                            |                      |                                |
| <b>Agency Revenue Sources</b>  | <b>FY14 Adopted Budget</b> | <b>FY14 Modified</b> | <b>FY15 Preliminary Budget</b> |
| License, Permit & Franchises   | \$17,674                   | \$17,674             | \$17,251                       |
| Charges for Services           | 1,310                      | 1,310                | 1,166                          |
| Fines and Forfeitures          | 12,360                     | 12,360               | 12,360                         |
| Miscellaneous                  | 215                        | 215                  | 215                            |
| State Grants - Categorical     | 109                        | 2,179                | 2,027                          |
| Non-Governmental Grants        | 0                          | 63                   | 0                              |
| <b>TOTAL</b>                   | <b>\$31,668</b>            | <b>\$33,801</b>      | <b>\$33,019</b>                |

### Miscellaneous Revenue

| Revenue Sources                            | Actual          |                 |                 | Planned         |                 |                 |
|--------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                            | 2012            | 2013            | 2014            | 2015            | 2016            | 2017            |
| <i>Dollars in Thousands</i>                |                 |                 |                 |                 |                 |                 |
| <b>Fine and Forfeitures:</b>               |                 |                 |                 |                 |                 |                 |
| State Tobacco Program                      | 505             | 1,721           | 1,840           | 800             | 800             | 800             |
| Consumer Affairs Fines                     | 13,678          | 14,279          | 11,560          | 11,560          | 11,560          | 11,560          |
| <b>Sub-Total</b>                           | <b>\$14,183</b> | <b>\$16,000</b> | <b>\$13,400</b> | <b>\$12,360</b> | <b>\$12,360</b> | <b>\$12,360</b> |
| <b>Licenses, Permits &amp; Franchises:</b> |                 |                 |                 |                 |                 |                 |
| Consumer Affairs Licenses                  | 9,689           | 8,282           | 8,508           | 8,085           | 8,508           | 8,085           |
| Fees on Sidewalk Cafes                     | 10,846          | 11,137          | 9,116           | 9,116           | 9,116           | 9,116           |
| Bingo and Games of Chance                  | 61              | 58              | 50              | 50              | 50              | 50              |
| <b>Sub-Total</b>                           | <b>\$20,596</b> | <b>\$19,477</b> | <b>\$17,674</b> | <b>\$17,251</b> | <b>\$17,674</b> | <b>\$17,251</b> |
| <b>Charge for Service:</b>                 |                 |                 |                 |                 |                 |                 |
| Weights/Measures INSP. Fees                | 857             | 751             | 801             | 743             | 801             | 743             |
| Review/Consent Filing Fees                 | 380             | 363             | 300             | 300             | 300             | 300             |
| Photo ID and Exam Fees                     | 133             | 190             | 209             | 123             | 123             | 123             |
| <b>Sub-Total</b>                           | <b>\$1,370</b>  | <b>\$1,304</b>  | <b>\$1,310</b>  | <b>\$1,166</b>  | <b>\$1,224</b>  | <b>\$1,166</b>  |
| <b>Miscellaneous:</b>                      |                 |                 |                 |                 |                 |                 |
| Minor Sales                                | 234             | 292             | 215             | 215             | 215             | 215             |
| <b>TOTAL</b>                               | <b>\$36,383</b> | <b>\$37,073</b> | <b>\$32,599</b> | <b>\$30,992</b> | <b>\$31,473</b> | <b>\$30,992</b> |

DCA is a revenue-generating agency and the majority of income is derived from licenses, permits, and franchise fees. The agency anticipates approximately \$17.7 million (52% of total) in Fiscal 2014 Current Modified Budget and \$17.3 million (52% of total) in Fiscal 15 Preliminary Budget. The majority of this revenue originates from sidewalk café fees and other consumer affairs licenses. Additionally, DCA generates revenue through fines and forfeitures, which are approximately \$12.4 (37% of total) million in Fiscal 2014 Current Modified Budget and \$12.4 million (37% of total) in Fiscal 15 Preliminary Budget. The majority of these fines are Consumer Affairs Fines. Consumer Affairs fines are shown to decline over the years since DCA will be focusing on new enforcement initiatives in 2014 which will have different revenue collections. In



Fiscal 2013 State requirements regarding the posting of signs stating that tobacco products cannot be sold to minors changed which resulted in an increase in State violations. Enforcement of State requirements expanded as DCA inspectors enforced the new City tobacco-related laws such as ban on flavored tobacco.

## Program Areas

### Licensing/Enforcement

DCA's Licensing/Enforcement program area oversees the Department's licensing enforcement and consumer services operations. Tasks range from the issuance of licenses to the regulatory and statutory enforcement of 55 different license categories, including the certification of weighing and measuring devices and providing restitution to consumers through the mediation of complaints. This program area includes the following divisions: Licensing, Enforcement, Computer Services, Auditing & Accounting, and Legal & Consumer Services.

| <i>Dollars in Thousands</i>     | 2012<br>Actual  | 2013<br>Actual  | 2014<br>Adopted | 2014<br>Prelim. Plan | 2015<br>Prelim. Plan | *Difference<br>2014 - 2015 |
|---------------------------------|-----------------|-----------------|-----------------|----------------------|----------------------|----------------------------|
| <b>Spending</b>                 |                 |                 |                 |                      |                      |                            |
| <b>Personal Services</b>        |                 |                 |                 |                      |                      |                            |
| Full-Time Salaried - Civilian   | \$10,723        | \$9,499         | \$9,991         | \$11,635             | \$12,499             | \$2,508                    |
| Other Salaried and Unsalariated | 1,350           | \$790           | 501             | 501                  | 501                  | 0                          |
| Amounts to be Scheduled         | 0               | 0               | 0               | 0                    | 0                    | 0                          |
| Fringe Benefits                 | 0               | 0               | 16              | 564                  | 545                  | 529                        |
| Overtime - Civilian             | 456             | 402             | 78              | 476                  | 98                   | 20                         |
| Additional Gross Pay            | 286             | \$237           | 170             | 210                  | 210                  | 40                         |
| <b>TOTAL</b>                    | <b>\$12,815</b> | <b>\$10,928</b> | <b>\$10,756</b> | <b>\$13,386</b>      | <b>\$13,853</b>      | <b>\$3,097</b>             |
| <b>Positions</b>                |                 |                 |                 |                      |                      |                            |
| Full-Time Positions - Civilian  |                 |                 | 210             | 253                  | 253                  | 43                         |
| Full-Time Positions - Uniform   |                 |                 | 0               | 0                    | 0                    | 0                          |
| <b>TOTAL</b>                    |                 |                 | <b>210</b>      | <b>253</b>           | <b>253</b>           | <b>43</b>                  |

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan Funding.

There is an increase of \$3,097,000 from the Fiscal 2014 Adopted Budget to the Fiscal 2015 Preliminary Budget. This increase is from the hiring of 43 new employees of which 19 employees are new. Of these 19 employees, 17 employees were hired for the implementation of the Earned Sick Time Act and 2 employees were hired for the implementation of the Cure Period Law. 24 positions are existing positions that did not appear in the adopted budget because the new contract with the State had not been signed at adoption. The remaining 24 positions are State funded employees hired for DCA's participation in the NYS Tobacco Enforcement Program. The increase in fringe benefits and additional gross pay is associated with the 24 State funded staff members added to the budget. The increase in overtime pay is due to deployment of Accela.

**Performance Statistics**

|                                                                  | FY 11<br>Actual | FY 12<br>Actual | FY 13<br>Actual | 4-Month<br>Actual<br>FY 13 | 4-Month<br>Actual<br>FY 14 |
|------------------------------------------------------------------|-----------------|-----------------|-----------------|----------------------------|----------------------------|
| Licensing Law compliance rate (%)                                | N/A             | 94%             | 93%             | 93%                        | 92%                        |
| Consumer Protection Law - refund and receipt compliance rate (%) | N/A             | 80%             | 80%             | 76%                        | 78%                        |
| Weights and Measures Law compliance rate - gasoline pumps (%)    | 96%             | 95%             | 97%             | 96%                        | 99%                        |
| Weights and Measures Law compliance rate - fuel trucks (%)       | 70%             | 73%             | 80%             | 84%                        | 81%                        |
| Inspected stores complying with tobacco regulations (%)          | 90%             | 91%             | 91%             | 93%                        | 93%                        |
| Decisions issued in 30 days or less (%)                          | 96%             | 99%             | 94%             | 97%                        | 97%                        |
| Number of fines collected within 45 days of assessment (%)       | 84%             | 82%             | 84%             | 86%                        | 80%                        |
| Basic license application - Average processing time (days)       | 3               | 5               | 2               | 3                          | 2                          |
| Licensing Center wait time (min)                                 | 11              | 13              | 11              | 6                          | 21                         |

DCA continued to provide timely decisions on hearings. During the first four months of Fiscal 2014, the agency issued 97% of its decisions within 30 days or less of a hearing. The agency has not performed well with regards to collecting fines, as the number collected within 45 days of assessment decreased from 86% in Fiscal 2013 to 80% in Fiscal 2014. DCA also continued to make licensing easy for businesses, maintaining low application processing times of only 2 days. The amount of a time customer waited in the licensing Center increased from 6 minutes in Fiscal 2013 to 21 minutes in Fiscal 2014. In October 2013 DCA implemented the City’s new Enterprise Licensing System (Accela) which expanded inline functionality for businesses and consumers while also enabling DCA to work more effectively through improved process management and data collection. Due to systematic organizational transformation, some DCA performance metrics were adversely affected in the short-term. Staff was diverted from their regular assignments to focus on Accela training. DCA expects customer service levels to normalize as employees become acclimated to the new system.

## Other than Personal Services (OTPS)

DCA's OTPS program area is for the purchasing of supplies, materials and other services required to support the Department's operations.

| <i>Dollars in Thousands</i>    | 2012<br>Actual | 2013<br>Actual | 2014<br>Adopted | 2014<br>Prelim. Plan | 2015<br>Prelim. Plan | *Difference<br>2014 - 2015 |
|--------------------------------|----------------|----------------|-----------------|----------------------|----------------------|----------------------------|
| <b>Spending</b>                |                |                |                 |                      |                      |                            |
| Supplies and Materials         | \$860          | \$643          | \$812           | \$810                | \$872                | \$60                       |
| Property and Equipment         | 290            | 197            | 194             | 241                  | 122                  | (72)                       |
| Other Services and Charges     | 6,086          | 6,401          | 7,040           | 13,327               | 7,669                | 629                        |
| Fixed and Misc. Charges        | 11             | 6              | 1               | 1                    | 1                    | 0                          |
| Contractual Services           | 1,085          | 966            | 369             | 793                  | 236                  | (133)                      |
| <b>TOTAL</b>                   | <b>\$8,332</b> | <b>\$8,213</b> | <b>\$8,416</b>  | <b>\$15,172</b>      | <b>\$8,900</b>       | <b>\$484</b>               |
| <b>Positions</b>               |                |                |                 |                      |                      |                            |
| Full-Time Positions - Civilian |                | 0              | 0               | 0                    | 0                    | 0                          |
| Full-Time Positions - Uniform  |                | 0              | 0               | 0                    | 0                    | 0                          |
| <b>TOTAL</b>                   |                | <b>0</b>       | <b>0</b>        | <b>0</b>             | <b>0</b>             | <b>0</b>                   |

*\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan Funding.*

DCA will decrease contractual spending by \$133,000 from Fiscal 2014 Adopted Budget to Fiscal 2015 Preliminary Budget. This decrease reflects the temporary funding to cover agency needs associated with the deployment of DOHMH's new Enterprise Licensing System (Accela) exit from the budget at the end of Fiscal Year 2014. DCA received \$72,500 in FY14 Executive Plan to replace 3 enforcement vehicles in FY 2014. Funding was granted for a one-time expense and was not baselined in the budget. DCA entered into a 5 year contract with the NYS Department of Health to enforce the Adolescent Tobacco Use Prevention Act (ATUPA). DCA's budget increased to reflect funding received in this agreement. The \$629,000 increase in other Services and charges is a result of a few budget changes including a technical adjustment to pay DoITT CityServ MOU and implementation of New Tobacco Law and Earned Sick Time Act.

## Administration

DCA's Administration program area includes spending for operations, staffing, budgeting, materials management, and other internal administrative services. It includes the Office of the Commissioner, Office of the General Counsel, Personnel, and Finance & Operations Divisions.

|                                | 2012           | 2013           | 2014           | 2014           | 2015           | *Difference  |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|--------------|
| <i>Dollars in Thousands</i>    | Actual         | Actual         | Adopted        | Prelim. Plan   | Prelim. Plan   | 2014 - 2015  |
| <b>Spending</b>                |                |                |                |                |                |              |
| <b>Personal Services</b>       |                |                |                |                |                |              |
| Full-Time Salaried - Civilian  | \$2,212        | \$4,394        | \$5,346        | \$5,596        | \$5,946        | \$600        |
| Other Salaried and Unsalari ed | 237            | 617            | 345            | 345            | 345            | 0            |
| Overtime - Civilian            | 63             | 224            | 13             | 13             | 13             | 0            |
| P.S. Other                     | 1              | 2              | 0              | 0              | 0              | 0            |
| Additional Gross Pay           | 25             | 90             | 70             | 70             | 70             | 0            |
| <b>Subtotal</b>                | <b>\$2,538</b> | <b>\$5,327</b> | <b>\$5,774</b> | <b>\$6,024</b> | <b>\$6,374</b> | <b>\$600</b> |
| <b>Positions</b>               |                |                |                |                |                |              |
| Full-Time Positions - Civilian |                | 0              | 70             | 77             | 77             | 7            |
| Full-Time Positions - Uniform  |                | 0              | 0              | 0              | 0              | 0            |
| <b>TOTAL</b>                   |                | <b>0</b>       | <b>70</b>      | <b>77</b>      | <b>77</b>      | <b>7</b>     |

*\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan Funding.*

Full-time salaries increased \$600,000 from Fiscal 2014 Adopted Budget to the Fiscal 2015 Preliminary Budget. This is due to the hiring of 7 new staff members. The 7 new IT staff members will provide post-production Accela support for end-users from DCA, The Department of Health and Mental Hygiene and The Department of Small Business Services. The support staff will also be responsible for administration, document management, reports and correspondence management, basic and advanced troubleshooting, configuration migrations, applications monitoring, global settings etc for DCA's deployment of Accela.

## Performance Statistics

|                                                                                   | FY 11<br>Actual | FY 12<br>Actual | FY 13<br>Actual | 4-Month<br>Actual<br>FY 13 | 4-Month<br>Actual<br>FY 14 |
|-----------------------------------------------------------------------------------|-----------------|-----------------|-----------------|----------------------------|----------------------------|
| Total docketed complaints                                                         | 4,580           | 4,610           | 3,907           | 1,418                      | 1,449                      |
| - Customer Experience: Emails responded to in 14 days (%)                         | 93%             | 93%             | 93%             | 91%                        | 95%                        |
| - Restitution Awarded (\$000)                                                     | \$5,424         | \$5,486         | \$7,223         | \$1,122                    | \$1,644                    |
| Resolved consumer complaints                                                      | 4,697           | 4,622           | 3,800           | 1,387                      | 1,458                      |
| Complaints processed - Within 0-20 days (%)                                       | 64%             | 60%             | 50%             | 55%                        | 47%                        |
| - Within 21-50 days (%)                                                           | 32%             | 40%             | 50%             | 45%                        | 53%                        |
| - Within 51-90 days (%)                                                           | 3%              | 0%              | 0%              | 0%                         | 0%                         |
| Median complaint processing time (days)                                           | 15              | 17              | 21              | 19                         | 21                         |
| Mediated complaints resolved to the satisfaction of the business and customer (%) | 56%             | 55%             | 53%             | 55%                        | 52%                        |

DCA continues to perform very well with regards to complaints. For the third year in row, the agency was able to process all consumer complaints within 50 days, although the median complaint processing time rose from 19 days in Fiscal 2013 to 21 days in Fiscal 2014. DCA did marginally worse with mediated complaints being resolved to the satisfaction of the business and customer, which decreased from 55% to 52%, over the same period between Fiscal 2013 and Fiscal 2014.

## Adjudication

DCA's Adjudication program area conducts hearings, levies fines, and collects penalties resulting from violations of laws and regulations over which the Department has jurisdiction.

| <i>Dollars in Thousands</i>    | <b>2012</b>    | <b>2013</b>    | <b>2014</b>    | <b>2014</b>         | <b>2015</b>         | <b>*Difference</b> |
|--------------------------------|----------------|----------------|----------------|---------------------|---------------------|--------------------|
|                                | <b>Actual</b>  | <b>Actual</b>  | <b>Adopted</b> | <b>Prelim. Plan</b> | <b>Prelim. Plan</b> | <b>2014 - 2015</b> |
| <b>Spending</b>                |                |                |                |                     |                     |                    |
| <b>Personal Services</b>       |                |                |                |                     |                     |                    |
| Full-Time Salaried - Civilian  | \$2,075        | \$2,284        | \$2,882        | \$2,882             | \$2,882             | \$0                |
| Other Salaried and Unsalariied | 25             | 103            | 70             | 70                  | 70                  | 0                  |
| Additional Gross Pay           | 96             | 73             | 42             | 42                  | 42                  | 0                  |
| Overtime - Civilian            | 69             | 99             | 36             | 36                  | 36                  | 0                  |
| <b>Subtotal</b>                | <b>\$2,265</b> | <b>\$2,559</b> | <b>\$3,030</b> | <b>\$3,030</b>      | <b>\$3,030</b>      | <b>\$0</b>         |
| <b>Positions</b>               |                |                |                |                     |                     |                    |
| Full-Time Positions - Civilian |                | 0              | 58             | 58                  | 58                  | 0                  |
| Full-Time Positions - Uniform  |                | 0              | 0              | 0                   | 0                   | 0                  |
| <b>TOTAL</b>                   |                | <b>0</b>       | <b>58</b>      | <b>58</b>           | <b>58</b>           | <b>0</b>           |

*\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan Funding.*

## Appendix A

### Budget Actions in the November and February Plans

| <i>Dollars in Thousands</i>                             | FY 2014         |                |                 | FY 2015         |                |                 |
|---------------------------------------------------------|-----------------|----------------|-----------------|-----------------|----------------|-----------------|
|                                                         | City            | Non-City       | Total           | City            | Non-City       | Total           |
| <b>Agency Budget as of Fiscal 2014 Adopted Plan</b>     | <b>\$25,947</b> | <b>\$2,030</b> | <b>\$27,977</b> | <b>\$25,547</b> | <b>\$2,030</b> | <b>\$27,577</b> |
| <b>New Needs</b>                                        |                 |                |                 |                 |                |                 |
| Online Service Enhancement Project Staff                | \$450           | \$0            | \$450           | \$600           | \$0            | \$600           |
| Online Service Enhancement Project Transition           | 1,896           | 0              | 1,896           | 0               | 0              | 0               |
| Cure Period Law                                         | 60              | 0              | 60              | 104             | 0              | 104             |
| Earned Sick Time Act                                    | 4,783           | 0              | 4,783           | 1,812           | 0              | 1,812           |
| New Tobacco Law                                         | 270             | 0              | 270             | 161             | 0              | 161             |
| <b>TOTAL, New Needs</b>                                 | <b>\$7,459</b>  | <b>\$0</b>     | <b>\$7,459</b>  | <b>\$2,677</b>  | <b>\$0</b>     | <b>\$2,677</b>  |
| <b>Other Adjustments</b>                                |                 |                |                 |                 |                |                 |
| CITISERV-DCA Transfer                                   | (\$15)          | \$0            | (\$15)          | (\$15)          | \$0            | (\$15)          |
| Consumer Initiative Grant                               | 0               | 50             | 50              | 0               | 0              | 0               |
| FY14 LGRMIF Grant                                       | 0               | 75             | 75              | 0               | 0              | 0               |
| NYS Tobacco Grant Funds                                 | 0               | 1,995          | 1,995           |                 | 1,918          | 1,918           |
| To Roll CFED Funds to FY14                              | 0               | 13             | 13              | 0               | 0              | 0               |
| To Reallocate Funds for DCA                             | 0               | 36             | 36              | 0               | 0              | 0               |
| To Reallocate IC Funds for DCA                          | 0               | 22             | 22              | 0               | 0              | 0               |
| <b>TOTAL, Other Adjustments</b>                         | <b>(\$15)</b>   | <b>\$2,191</b> | <b>\$2,176</b>  | <b>(\$15)</b>   | <b>\$1,918</b> | <b>\$1,903</b>  |
| <b>TOTAL, All Changes</b>                               | <b>\$7,444</b>  | <b>\$2,191</b> | <b>\$9,635</b>  | <b>\$2,662</b>  | <b>\$1,918</b> | <b>\$4,580</b>  |
| <b>Agency Budget as of Fiscal 2015 Preliminary Plan</b> | <b>\$33,391</b> | <b>\$4,221</b> | <b>\$37,612</b> | <b>\$28,209</b> | <b>\$3,948</b> | <b>\$32,157</b> |



## Appendix B

### Contract Budget

| Category                             | Number   | Budgeted         | % of DCA Total |
|--------------------------------------|----------|------------------|----------------|
| Contract Services General            | 1        | \$147,000        | 62.2%          |
| Maintenance & Repair, General        | 1        | 1,614            | 0.7%           |
| Security Services                    | 2        | 59,429           | 25.1%          |
| Temporary Services                   | 1        | 20,000           | 8.5%           |
| Training Programs for City Employees | 1        | 6,185            | 2.6%           |
| Professional Services: Other         | 1        | 2,075            | 0.9%           |
| <b>Preliminary Budget</b>            | <b>7</b> | <b>\$236,303</b> | <b>100.0%</b>  |

## Appendix C

## Fiscal 2014 Mayor's Management Report Performance Measures

|                                                                                                                                                                   | FY 11<br>Actual | FY 12<br>Actual | FY 13<br>Actual | Target<br>FY14 | Target<br>FY15 | 4-Month<br>Actual<br>FY 13 | 4-Month<br>Actual<br>FY 14 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|-----------------|----------------|----------------|----------------------------|----------------------------|
| Total docketed complaints                                                                                                                                         | 4,580           | 4,610           | 3,907           | *              | *              | 1,418                      | 1,449                      |
| Resolved consumer complaints                                                                                                                                      | 4,697           | 4,622           | 3,800           | *              | *              | 1,387                      | 1,458                      |
| Complaints processed - Within 0-20 days (%)                                                                                                                       | 64%             | 60%             | 50%             | 40%            | 40%            | 55%                        | 47%                        |
| - Within 21-50 days (%)                                                                                                                                           | 32%             | 40%             | 50%             | 50%            | 50%            | 45%                        | 53%                        |
| - Within 51-90 days (%)                                                                                                                                           | 3%              | 0%              | 0%              | 5%             | 5%             | 0%                         | 0%                         |
| Median complaint processing time (days)                                                                                                                           | 15              | 17              | 21              | 22             | 22             | 19                         | 21                         |
| Mediated complaints resolved to the satisfaction of the business and consumer (%)                                                                                 | 56%             | 55%             | 53%             | 55%            | 55%            | 55%                        | 52%                        |
| Restitution awarded (\$000)                                                                                                                                       | \$5,424         | \$5,486         | \$7,223         | \$4,500        | \$4,500        | \$1,122                    | \$1,644                    |
| Licensing Law compliance rate (%)                                                                                                                                 | N/A             | 94%             | 93%             | 90%            | 90%            | 93%                        | 92%                        |
| Consumer Protection Law - refund and receipt compliance rate (%)                                                                                                  | N/A             | 80%             | 80%             | 80%            | 80%            | 76%                        | 78%                        |
| Weights and Measures Law compliance rate - gasoline pumps (%)                                                                                                     | 96%             | 95%             | 97%             | 98%            | 98%            | 96%                        | 99%                        |
| Weights and Measures Law compliance rate - fuel trucks (%)                                                                                                        | 70%             | 73%             | 80%             | 80%            | 80%            | 84%                        | 81%                        |
| Customer Experience: Emails responded to in 14 days (%)                                                                                                           | 93%             | 93%             | 93%             | 87%            | *              | 91%                        | 95%                        |
| Inspected stores complying with tobacco regulations (%)                                                                                                           | 90%             | 91%             | 91%             | 86%            | 86%            | 93%                        | 93%                        |
| Responses to 311 Service Requests (SRs):Percent meeting time to first action<br>Consumer Complaint- Exchange/Refund/Return (4 days)                               | 100             | 100             | 97              | 98             | *              | 98                         | 95                         |
| Responses to 311 Service Requests (SRs):Percent meeting time to first action<br>Consumer Complaint- False Advertising (4 days)                                    | 99              | 99              | 97              | 98             | *              | 97                         | 92                         |
| Responses to 311 Service Requests (SRs):Percent meeting time to first action<br>Consumer Complaint- Non-Delivery Goods/Services (4 days)                          | 100             | 99              | 96              | 98             | *              | 97                         | 94                         |
| Responses to 311 Service Requests (SRs):Percent meeting time to first action<br>Consumer Complaint- Overcharge(4 days)                                            | 99              | 98              | 96              | 98             | *              | 98                         | 95                         |
| Responses to 311 Service Requests (SRs):Percent meeting time to first action<br>DCA/DOHMH New License Application Request- General Street Vendor License (7 days) | 100             | 100             | 92              | 98             | *              | 100                        | 91                         |
| Decisions issued in 30 days or less (%)                                                                                                                           | 96%             | 99%             | 94%             | 90%            | 90%            | 97%                        | 97%                        |
| Total settlements (\$000)                                                                                                                                         | \$7336          | \$8,707         | \$9,270         | *              | *              | \$3,818                    | \$3,534                    |
| Number of fines collected within 45 days of assessment (%)                                                                                                        | 84%             | 82%             | 84%             | 80%            | 80%            | 86%                        | 80%                        |
| Basic license application - Average processing time (days)                                                                                                        | 3               | 5               | 2               | 5              | 5              | 3                          | 2                          |
| Clients achieving measurable success (%)                                                                                                                          | N/A             | N/A             | 37%             | *              | *              | N/A                        | N/A                        |
| Total debt reduced by clients (\$000) (cumulative)                                                                                                                | N/A             | \$7,049         | 412,409         | *              | *              | N/A                        | \$14,713                   |
| Total savings accumulated (\$) (cumulative)                                                                                                                       | N/A             | \$870,297       | \$2,217,807     | *              | *              | N/A                        | \$2,409,094                |
| License applications received online (%)                                                                                                                          | 23%             | 23%             | 27%             | *              | *              | 27%                        | 26%                        |
| License Center wait time (minutes)                                                                                                                                | 11              | 13              | 11              | 15             | 15             | 6                          | 21                         |
| Business educated through direct outreach                                                                                                                         | N/A             | N/A             | 11,217          | *              | *              | N/A                        | N/A                        |