

THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

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



Report of the Finance Division on the
Fiscal 2018 Preliminary Budget and the
Fiscal 2017 Preliminary Mayor's Management Report for the
Department of Consumer Affairs

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Department of Consumer Affairs Overview

The Department of Consumer Affairs (DCA or the Department) ensures that New York City's consumers and businesses benefit from a fair and vibrant marketplace. DCA licenses nearly 80,000 businesses in 55 industries 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. DCA is tasked with enforcing the Paid Sick Leave Law. The agency educates New York City employers and employees about the law through extensive outreach and resolves complaints through mediation and prosecution to ensure that New York City workers get time off to take care of themselves and their families.

This report provides a review of the Department of Consumer Affairs Preliminary Budget for Fiscal 2018. In the first section, the highlights of the \$41 million Fiscal 2018 expense budget are presented.

The report then presents the Department's budget by program area and provides analysis of significant program areas, discusses initiatives included in the November and Preliminary Financial Plans and reviews relevant sections of the Preliminary Mayor's Management Report for Fiscal 2017. Finally, the appendices are included to highlight the Budget Actions in the November and Preliminary Plans and the Contract Budget.

Fiscal 2018 Preliminary Budget Highlights

The City's Fiscal 2018 Preliminary Budget is \$84.7 billion, \$2.6 billion more than the Fiscal 2017 Adopted Budget of \$82.1 billion. By comparison, DCA's Fiscal 2018 Preliminary Budget of \$41 million represents an increase of 1.1 percent from its Fiscal 2017 Adopted Budget of \$40.6 million. Despite this increase, DCA's Fiscal 2018 Preliminary Budget includes a net reduction of \$468,000 in other adjustments (see Appendix A).

| DCA Expense Budget | | | | | | |
|------------------------------|-----------------|-----------------|-----------------|-------------------------|-----------------|--------------------|
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| <i>Dollars in Thousands</i> | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Personal Services | \$22,302 | \$22,059 | \$26,544 | \$26,176 | \$27,351 | \$807 |
| Other Than Personal Services | 15,133 | 14,152 | 14,054 | 14,238 | 13,696 | (358) |
| TOTAL | \$37,435 | \$36,211 | \$40,598 | \$40,414 | \$41,047 | \$449 |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

The key actions in the Preliminary Plan include:

- **Department of Consumer Affairs Attorney Transfer.** The Preliminary Plan includes a reduction of \$98,000 in the agency's budget due to the redeployment of an administrative judge to another city agency. This is due to DCA Tribunal transfer to the Office of

Administrative Trials and Hearings (OATH). While DCA continues to perform some adjudicatory functions, it no longer has its own tribunal.

- **State Tobacco Grant Adjustment.** The Department added \$4,000 in Fiscal 2017 to match the Fiscal 2016 funding level for the New York State Youth Tobacco Enforcement program. At the end of Fiscal 2016, DCA received its annual award from New York State for the Youth Tobacco Enforcement Program, which was \$4,341 more than the previous grant year. Consequently, through a budget modification increased funding is reflected in subsequent fiscal years.
- **Cost of Living Adjustment (COLA) Award.** The Department received a one-time COLA allocation of \$152,420 from the State for the continuation of activities related to the State Tobacco Enforcement Program.
- **City Services Corps.** The Department's Office of Financial Empowerment committed \$27,200 over two fiscal years to employ a City Corps Fellow to help with the City's annual tax season initiative. Funding was transferred out of DCA's budget to NYC Service housed in the Mayor's Office for this undertaking.
- **Savings Initiative.** The Department has identified \$375,000 of administrative fee savings in Fiscal 2018 which is a result of the agency contracting with vendors directly.
- **Childhood Savings Account.** The Department added \$150,000 in Fiscal 2017 to hire a Program Director that will develop and implement a citywide college savings program to ensure that every child in New York has the means to save for post-secondary education.
- **PS Accruals.** The Department has identified \$466,000 in Fiscal 2017 in Personal Services surpluses.

Financial Plan Summary

| DCA Financial Summary <i>Dollars in Thousands</i> | | | | | | |
|---|-----------------|-----------------|-----------------|-------------------------|-----------------|--------------------|
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Spending | | | | | | |
| Personal Services | \$22,302 | \$22,059 | \$26,544 | \$26,176 | \$27,351 | \$807 |
| Other Than Personal Services | 15,133 | 14,152 | 14,054 | 14,238 | 13,696 | (358) |
| TOTAL | \$37,435 | \$36,211 | \$40,598 | \$40,414 | \$41,047 | \$449 |
| Personal Services | | | | | | |
| Adjudication | \$2,451 | \$1,772 | \$1,834 | \$1,736 | \$1,743 | (\$91) |
| Administration | 7,003 | 7,556 | 8,716 | 8,717 | 8,800 | 84 |
| Licensing/Enforcement | 12,848 | 12,732 | 15,994 | 15,723 | 16,808 | 814 |
| Subtotal | \$22,302 | \$22,059 | \$26,544 | \$26,176 | \$27,351 | \$807 |
| Other Than Personal Services | | | | | | |
| Other Than Personal Services | 15,133 | 14,152 | 14,054 | 14,238 | 13,696 | (\$358) |
| Subtotal | \$15,133 | \$14,152 | \$14,054 | \$14,238 | \$13,696 | (\$358) |
| TOTAL | \$37,435 | \$36,211 | \$40,598 | \$40,414 | \$41,047 | \$449 |
| Funding | | | | | | |
| City Funds | | | \$36,600 | \$36,012 | \$37,037 | \$437 |
| Other Categorical | | | 0 | 150 | 0 | 0 |
| State | | | 1,955 | 2,112 | 1,960 | 5 |
| Intra City | | | 2,043 | 2,140 | 2,050 | 7 |
| TOTAL | \$37,435 | \$36,211 | \$40,598 | \$40,414 | \$41,047 | \$449 |
| Budgeted Headcount | | | | | | |
| Full-Time Positions - Civilian | 367 | 360 | 441 | 440 | 439 | (2) |
| TOTAL | 367 | 360 | 441 | 440 | 439 | (2) |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

For DCA, the Fiscal 2018 Preliminary Budget includes \$41 million in Fiscal 2018 (including City and Non-City funds). The increase of \$449,000 from the Fiscal 2017 Adopted Budget can be attributed mostly to the decrease of certain agency positions and a one-time Council initiative funded in Fiscal 2017 that is not reflected in the budget in Fiscal 2018, offset by a collective bargaining increase and PS adjustments in Fiscal 2017 related to cost saving initiatives which have been included in the budget for Fiscal 2018.

Overall, the agency's headcount decreases by two positions between the release of the Fiscal 2017 Adopted Budget and the Fiscal 2018 Preliminary Budget.

The headcount decrease is a result of the following changes:

- One Administrative Law Judge position was transferred as a result of the transfer of DCA's tribunal to OATH;
- One position funded as a result of a Tobacco Grant is not funded in Fiscal 2018.

Council Initiatives

| Fiscal 2017 Council Changes at Adoption <i>Dollars in Thousands</i> | |
|--|-----------|
| Council Initiatives | |
| Financial Empowerment for NYC's Renters | \$255,000 |

Financial Empowerment for NYC's Renters

This initiative was launched in Fiscal 2017. Funding for this initiative supports the creation of a financial empowerment program for New Yorkers looking to rent housing. The Department of Consumer Affairs worked in collaboration with the New York City Department of Housing Preservation and Development (HPD) to carry out this initiative. This initiative allocates \$255,000 to DCA and \$195,000 to HPD.

Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the OTPS portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

The following table provides the Department of Consumer Affairs Preliminary Contract Budget for Fiscal 2018.

| DCA Fiscal 2018 Preliminary Contract Budget <i>Dollars in Thousands</i> | | | | |
|--|---------------------|---------------------|-------------------------|---------------------|
| Category | Fiscal 2017 Adopted | Number of Contracts | Fiscal 2018 Preliminary | Number of Contracts |
| Contractual Services - General | \$502,000 | 2 | \$144,635 | 1 |
| Prof. Services - Other | 2,075 | 1 | 2,075 | 1 |
| Security Services | 59,429 | 2 | 59,429 | 2 |
| Temporary Services | 20,000 | 1 | 20,000 | 1 |
| Training Program for City Employees | 6,185 | 1 | 6,185 | 1 |
| TOTAL | \$589,689 | 7 | \$232,324 | 6 |

The City's Contract Budget totals \$14.4 billion in Fiscal 2018, a decrease of \$604.9 million or four percent when compared to the Fiscal 2017 Adopted Budget of \$14.99 billion. The Department's Contract Budget totals \$232,324 in Fiscal 2018, a decrease of \$357,365 or 60.6 percent when compared to the Fiscal 2017 Adopted Budget of \$589,689. The decline is in the category of Contractual Services General from \$502,000 in the Fiscal 2017 Adopted Budget to \$144,635 in the Fiscal 2018 Preliminary Budget. The \$355,365 decrease is comprised of the \$255,000 City Council Initiative not reflected in the budget in Fiscal 2018, \$2,365 related to City Service Corps and a \$100,000 OTPS roll related to the car wash legislation that will be eliminated from the budget at the end of Fiscal 2017.

Revenue

| DCA Miscellaneous Revenue Budget Overview | | | | | | |
|--|-----------------|-----------------|-----------------|------------------|-----------------|--------------|
| <i>Dollars in Thousands</i> | | | | | | |
| Revenue Sources | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Licenses, Permits and Franchises | \$20,679 | \$20,456 | \$16,632 | \$16,632 | \$17,178 | \$546 |
| Charges for Services | 1,301 | 1,434 | 1,166 | 1,166 | 1,288 | 122 |
| Fines and Forfeitures | 10,655 | 9,535 | 9,300 | 9,300 | 9,300 | 0 |
| Miscellaneous | 517 | 594 | 215 | 500 | 215 | 0 |
| TOTAL | \$33,152 | \$32,019 | \$27,313 | \$27,598 | \$27,981 | \$668 |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

DCA is a revenue-generating agency and the majority of its income is derived from licenses, permits, and franchise fees. DCA plans to collect approximately \$28 million from various miscellaneous revenue sources in Fiscal 2017. DCA exceeded the Mayor's goal of reducing fine revenue by \$5 million in Fiscal 2015 through its implementation of nearly two dozen reforms to ease onerous fines on businesses. DCA now allows businesses to choose in which language inspections are conducted and has introduced internal mapping technology so enforcement efforts are distributed equitably throughout the City.

Revenue generated in Fiscal 2018 is expected to be \$668,000 more than forecast for Fiscal 2017 when the budget was adopted. This increase is a product of several factors. License fees fluctuate cyclically based on two-year licensing cycles and are \$423,000 less in odd fiscal years compared to even fiscal years. Expected revenues for scale inspection fees also drop in odd fiscal years when tow truck companies do not renew. All tow truck companies must have their trucks re-inspected during the license renewal process. Because the renewal period for this business category occurs in even fiscal years, the fees collected for tow truck re-inspections rise in even fiscal years and fall in odd fiscal years.

Program Areas

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. This program area includes the following divisions: Collections, Settlement Unit, and Case Support Unit.

| Adjudication | | | | | | |
|--------------------------------------|----------------|----------------|----------------|-------------------------|----------------|--------------------|
| <i>Dollars in Thousands</i> | | | | | | |
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Spending | | | | | | |
| Personal Services | | | | | | |
| Additional Gross Pay | \$101 | \$71 | \$31 | \$31 | \$31 | \$0 |
| Additional Gross Pay - Labor Reserve | 10 | 1 | 0 | 0 | 0 | 0 |
| Amounts to be Scheduled | 0 | 0 | 11 | 11 | 12 | 1 |
| Full-Time Salaried - Civilian | 2,234 | 1,677 | 1,774 | 1,676 | 1,682 | (92) |
| Overtime - Civilian | 17 | 23 | 18 | 18 | 18 | 0 |
| Unsalaries | 88 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | \$2,451 | \$1,772 | \$1,834 | \$1,736 | \$1,743 | (\$91) |
| TOTAL | \$2,451 | \$1,772 | \$1,834 | \$1,736 | \$1,743 | (\$91) |
| Funding | | | | | | |
| City Funds | | | \$1,834 | \$1,736 | \$1,743 | (\$91) |
| TOTAL | \$2,451 | \$1,772 | \$1,834 | \$1,736 | \$1,743 | (\$91) |
| Budgeted Headcount | | | | | | |
| Full-Time Positions - Civilian | 37 | 28 | 36 | 35 | 35 | (1) |
| TOTAL | 37 | 28 | 36 | 35 | 35 | (1) |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

The Department's Fiscal 2018 Preliminary Budget includes almost \$1.7 million for Adjudication, \$91,000 less than planned in the Fiscal 2017 Adopted Budget. The \$98,000 decrease is for one agency position which is offset by a collective bargaining increase of \$6,790. The position is an Administrative Law Judge who was transferred from DCA's tribunal to OATH.

Performance Measures

| Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|---------|---------|---------|--------|------|----------------|---------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total settlements (\$000) | \$9,395 | \$7,542 | \$8,324 | * | * | \$2,045 | \$2,015 |
| Number of fines collected within 45 days of assessment (%) | 81% | 82% | 89% | 80% | 80% | 83% | 87% |

When compared to the first four months of Fiscal 2016, in the first four months of Fiscal 2017 total settlements saw a slight decline and the number of fines collected within 45 days of assessment saw a slight movement upwards.

Administration

DCA's Administration program area includes spending for operations, staffing, budgeting, materials management, and other internal administrative services. It includes Executive Staff, Data Analysis & Planning, Human Resources, Agency Services, Finance, General Services, General Counsel, Consumer Services, External Affairs, Communication & Marketing, and Information Technology.

| Administration | | | | | | |
|--------------------------------------|----------------|----------------|----------------|-------------------------|----------------|--------------------|
| <i>Dollars in Thousands</i> | | | | | | |
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Spending | | | | | | |
| Personal Services | | | | | | |
| Additional Gross Pay | \$141 | \$154 | \$0 | \$0 | \$0 | \$0 |
| Additional Gross Pay - Labor Reserve | 28 | 4 | 0 | 0 | 0 | 0 |
| Full-Time Salaried - Civilian | 6,636 | 7,337 | 8,716 | 8,717 | 8,800 | 84 |
| Overtime - Civilian | 51 | 59 | 0 | 0 | 0 | 0 |
| P.S. Other | 9 | 1 | 0 | 0 | 0 | 0 |
| Unsalaries | 146 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | \$7,011 | \$7,556 | \$8,716 | \$8,717 | \$8,800 | \$84 |
| TOTAL | \$7,011 | \$7,556 | \$8,716 | \$8,717 | \$8,800 | \$84 |
| Funding | | | | | | |
| City Funds | | | \$8,716 | \$8,717 | \$8,800 | \$84 |
| TOTAL | \$7,011 | \$7,556 | \$8,716 | \$8,717 | \$8,800 | \$84 |
| Budgeted Headcount | | | | | | |
| Full-Time Positions - Civilian | 107 | 103 | 121 | 121 | 121 | 0 |
| TOTAL | 107 | 103 | 121 | 121 | 121 | 0 |

*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.

The Department's Fiscal 2018 Preliminary Budget includes \$8.8 million for Administration, up slightly from the \$8.7 million in Fiscal 2017 Adopted Budget. This change is solely due to an increase in collective bargaining costs.

Performance Measures

| Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|---|---------|---------|---------|--------|------|----------------|-------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total docketed complaints | 3,853 | 3,702 | 3,650 | * | * | 1,237 | 1,051 |
| Resolved consumer complaints | 3,873 | 3,495 | 3,691 | * | * | 1,371 | 1,021 |
| Complaints processed within 0-28 days (%) | NA | 51% | 51% | 50% | 50% | 40% | 52% |
| - Within 0-50 days (%) | NA | 83% | 85% | 85% | 85% | 73% | 88% |
| - Within 0-90 days (%) | NA | 100% | 100% | 100% | 100% | 100% | 100% |
| Median complaint processing time (days) | 20 | 27 | 28 | 28 | 28 | 36 | 28 |
| Restitution awarded (\$000) | \$3,588 | \$6,189 | \$3,472 | * | * | \$1,464 | \$589 |
| Mediated complaints resolved to the satisfaction of the business and consumer (%) | 62% | 62% | 64% | 62% | 62% | 63% | 65% |
| Businesses educated through direct outreach | 34,865 | 22,659 | 17,072 | * | * | NA | NA |
| Percent meeting time to first action - Consumer Complaint - Exchange/Refund/Return (4 days) | 70% | 83% | 93% | 85% | 85% | 85% | 98% |

| Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|---|--------|------|------|--------|------|----------------|------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Percent meeting time to first action - Consumer Complaint - Non-Delivery Goods/Services (4 days) | 71% | 82% | 92% | 85% | 85% | 81% | 98% |
| Percent meeting time to first action - DCA / DOHMH New License Application Request - General Street Vendor License (7 days) | 92% | 65% | 78% | 85% | 85% | 59% | 87% |
| Percent meeting time to first action - Consumer Complaint - False Advertising (4 days) | 69% | 84% | 91% | 85% | 85% | 81% | 96% |
| Percent meeting time to first action - Consumer Complaint - Overcharge (4 days) | 71% | 82% | 93% | 85% | 85% | 82% | 97% |

*Continuation from previous page

The number of complaints docketed for mediation and resolved consumer complaints saw a slight decrease when compared to last year. DCA processed 52 percent of consumer complaints within 28 days compared to 40 percent during the same four-month period last year. All complaints continued to be processed within 90 days. The median time to resolve a complaint improved by 8 days to 28 days, in line with numbers seen beginning in the second quarter of Fiscal 2016. Beginning in early Fiscal 2017, following the disbandment of its tribunal, DCA began filing its enforcement and consumer cases for adjudication at the Office of Administrative Trials and Hearings. Primarily due to the pending disbandment, during which time the majority of consumer cases were adjourned, consumer restitution decreased by nearly 60 percent, from \$1.5 million to \$589,000.

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 & measuring devices, and providing restitution to consumers through the mediation of complaints. This program area includes the following divisions: Licensing, Legal & Regulatory Compliance, Transit Benefits, Paid Sick Leave, and Office of Financial Empowerment.

| Licensing/Enforcement | | | | | | |
|-------------------------------|-----------------|-----------------|-----------------|------------------|-----------------|--------------|
| <i>Dollars in Thousands</i> | | | | | | |
| | 2015 Actual | 2016 Actual | 2017 Adopted | Preliminary Plan | | *Difference |
| | | | | 2017 | 2018 | 2017 - 2018 |
| Spending | | | | | | |
| Personal Services | | | | | | |
| Additional Gross Pay | \$177 | \$202 | \$50 | \$46 | \$46 | (\$4) |
| Additional Gross Pay - Labor | | | | | | |
| Reserve | 25 | 4 | 0 | 0 | 0 | 0 |
| Fringe Benefits | 0 | 0 | 546 | 605 | 555 | 9 |
| Full-Time Salaried - Civilian | 12,254 | 12,322 | 15,358 | 15,014 | 16,169 | 811 |
| Overtime - Civilian | 129 | 203 | 40 | 58 | 38 | (2) |
| Unsalaries | 263 | 1 | 0 | 0 | 0 | 0 |
| Subtotal | \$12,848 | \$12,732 | \$15,994 | \$15,723 | \$16,808 | \$814 |
| TOTAL | \$12,848 | \$12,732 | \$15,994 | \$15,723 | \$16,808 | \$814 |

| <i>Dollars in Thousands</i> | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
|--------------------------------|-----------------|-----------------|-----------------|------------------|-----------------|--------------|
| | Actual | Actual | Adopted | 2017 | 2018 | 2017-2018 |
| Funding | | | | | | |
| City Funds | | | \$12,595 | \$12,129 | \$13,377 | \$782 |
| Other Categorical | | | 0 | 150 | 0 | 0 |
| State | | | 1,732 | 1,777 | 1,757 | 25 |
| Intra City | | | 1,667 | 1,667 | 1,674 | \$7 |
| TOTAL | \$12,848 | \$12,732 | \$15,994 | \$15,723 | \$16,808 | \$814 |
| Budgeted Headcount | | | | | | |
| Full-Time Positions - Civilian | 223 | 229 | 284 | 284 | 283 | (1) |
| TOTAL | 223 | 229 | 284 | 284 | 283 | (1) |

*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.

*Continuation from previous page

The Department's Fiscal 2018 Preliminary Budget includes \$16.8 million in Fiscal 2018 for licensing and enforcement, an \$814,000 increase when compared to the Fiscal 2017 Adopted Budget of approximately \$16 million. The \$814,000 increase includes \$706,608 in PS adjustment in Fiscal 2017 as a result of cost saving initiatives which have been restored to the Licensing/Enforcement budget in Fiscal 2018. The State Youth Tobacco Enforcement Program budget for full-time salaries was adjusted by \$25,445 as State funding was reallocated to address funding cuts. Also included is a PS realignment of \$9,821 as a result of OATH transition. The remaining \$72,530 increase was a result of an increase in collective bargaining costs.

Performance Measures

| Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|-------------|-------------|-------------|--------|------|----------------|-------------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total inspections | 73,035 | 65,506 | 76,996 | * | * | 24,057 | 25,311 |
| Total violations issued | 19,888 | 11,923 | 14,291 | * | * | 4,291 | 4,807 |
| Licensing Law compliance rate (%) | 93% | 95% | 95% | 93% | 93% | 94% | 96% |
| Consumer Protection Law - refund and receipt compliance rate (%) | 81% | 91% | 91% | 80% | 80% | 89% | 92% |
| Weights and Measures Law compliance rate - gasoline pumps (%) | 99% | 99% | 100% | 98% | 98% | 99% | 100% |
| Weights and Measures Law compliance rate - fuel trucks (%) | 78% | 70% | 68% | 72% | 72% | 68% | 70% |
| Inspected stores complying with tobacco regulations (%) | 92% | 92% | 93% | 90% | 90% | 96% | 89% |
| Basic license application - Average processing time (days) | 3 | 2 | 2 | 4 | 4 | 2 | 3 |
| License applications received online (%) | 19% | 20% | 18% | * | * | 19% | 22% |
| Licensing Center wait time (minutes) | 16 | 13 | 8 | 15 | 15 | 8 | 5 |
| - Total debt reduced (\$000) (cumulative) | \$23,893 | \$33,088 | \$43,125 | * | * | \$36,490 | \$46,167 |
| - Total savings accumulated (\$) (cumulative) | \$2,987,936 | \$3,596,836 | \$4,094,324 | * | * | \$4,024,073 | \$4,142,088 |
| Tax returns filed through citywide Tax Credit Campaign | 96,611 | 153,365 | 162,583 | * | * | NA | NA |
| Paid Sick Leave (PSL) complaints received | NA | 583 | 335 | * | * | 116 | 96 |
| PSL complaints closed | NA | 369 | 403 | * | * | 197 | 72 |
| Average time to resolve all PSL complaints (calendar days) | NA | 33 | 101 | DOWN | DOWN | 85 | 131 |
| Employees receiving restitution | NA | 97 | 13,675 | * | * | 7,939 | 740 |
| Total amount of employee restitution (\$) | NA | \$54,961 | \$2,123,391 | * | * | \$590,556 | \$384,254 |
| Total amount of PSL fines (\$) | NA | \$50,050 | \$1,201,468 | * | * | \$315,377 | \$167,689 |

| Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|--------|-------|-------|--------|------|----------------|------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Average customer in-person wait time (minutes) | 16 | 13 | 9 | 17 | 17 | NA | NA |
| Completed customer requests for interpretation | 2,536 | 3,377 | 3,861 | * | * | NA | NA |
| CORE customer experience rating (0-100) | 94 | 95 | 98 | 83 | 83 | NA | NA |

**Continuation from previous page*

In the first four months of Fiscal 2017 when compared to the same period in Fiscal 2016, the number of violations issued rose by 12 percent from 4,291 to 4,807. The increase is mainly attributable to DCA's robust enforcement efforts related to the sale of tobacco products to minors, sale of expired over-the-counter medications and licensing law infractions. DCA's Licensing Center experienced a 14 percent increase in the number of customers in the first four months of Fiscal 2017, from 34,185 to 38,934. Despite the higher volume of customers, the average waiting time decreased, from eight to five minutes. DCA closed fewer Paid Sick Leave (PSL) complaints in the first four months of Fiscal 2017 than in the comparable Fiscal 2016 reporting period, reflecting both a decrease in the number of complaints received and a change in how the agency quantifies a closed case. Specifically, in the second quarter of Fiscal 2016, the Department began to consolidate multiple PSL complaints filed against a single employer into one multiple-complainant case. Prior to this, DCA reported these as individual complaints or cases. Of the 197 complaints closed during the July to October 2015 period, two were large cases that provided monetary relief for close to 7,000 workers and involved relatively simpler issues. In the July to October 2016 period, the 72 closed complaints involved fewer employees but more complex factual and legal issues, as the cases were often against businesses that failed to comply with the law for multiple years and, consequently, took longer to investigate and resolve, an average of 131 days.

Other Than Personal Services (OTPS)

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

| Other Than Personal Services | | | | | | |
|-------------------------------------|-----------------|-----------------|-----------------|------------------|-----------------|----------------|
| <i>Dollars in Thousands</i> | | | | | | |
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 – 2018 |
| Spending | | | | | | |
| Other Than Personal Services | | | | | | |
| Contractual Services | \$1,008 | \$411 | \$588 | \$934 | \$230 | (\$357) |
| Contractual Services - | | | | | | |
| Professional Services | 0 | 0 | 2 | 2 | 2 | 0 |
| Fixed & Misc. Charges | 9 | 34 | 1 | 5 | 1 | 0 |
| Other Services & Charges | 13,354 | 12,259 | 12,352 | 12,161 | 12,433 | 81 |
| Property & Equipment | 111 | 660 | 166 | 224 | 122 | (44) |
| Supplies & Materials | 651 | 787 | 946 | 912 | 909 | (37) |
| Subtotal | \$15,133 | \$14,152 | \$14,054 | \$14,238 | \$13,696 | (\$358) |
| TOTAL | \$15,133 | \$14,152 | \$14,054 | \$14,238 | \$13,696 | (\$358) |
| Funding | | | | | | |
| City Funds | | | \$13,455 | \$13,430 | \$13,119 | (\$337) |
| State | | | 224 | 335 | 202 | (21) |
| Intra City | | | \$375 | \$473 | \$375 | \$0 |
| TOTAL | \$15,133 | \$14,512 | \$14,054 | \$14,238 | \$13,696 | (\$358) |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

The Department's Fiscal 2018 Preliminary Budget includes \$13.7 million for Other Than Personal Services, \$358,000 less than the Fiscal 2017 Adopted Budget of \$14.1 million. This change reflects a number of alterations to this program area's budget, including a \$375,000 decrease of funding due to the City-wide savings initiative in Fiscal 2017, a reduction of \$108,873 in Small Business First funding that was rolled from Fiscal 2016 to Fiscal 2017 and a \$255,000 decrease due to the City Council Renters Financial Empower initiative not yet reflected in the budget in Fiscal 2018. The \$333,887 decrease is for the unused funding for the enforcement of synthetic marijuana, Time Square street performers and car wash legislation which is eliminated from the budget at the end of Fiscal 2017. This is offset by an increase of \$550,000 of a City-wide savings initiative taken down in Fiscal 2017, but restored in Fiscal 2018 as well as \$86,000 in the process server examination budget. Process server licenses are valid for two years, thus examinations for renewals are only held every other year, in even fiscal years.

Appendix A: Budget Actions in the November and the Preliminary Plans

| <i>Dollars in Thousands</i> | FY 2017 | | | FY 2018 | | |
|--|-----------------|----------------|-----------------|-----------------|----------------|-----------------|
| | City | Non-City | Total | City | Non-City | Total |
| Agency Budget as of the Adopted 2017 Budget | \$36,600 | \$3,998 | \$40,598 | \$37,511 | \$4,005 | \$41,516 |
| Other Adjustments | | | | | | |
| Tobacco Cola Award | \$0 | \$152 | \$152 | \$0 | \$0 | \$0 |
| City Services Corps (DCA) | (25) | 0 | (25) | (2) | 0 | (2) |
| Department of Consumer Affairs Attorney Transfer | (98) | 0 | (98) | (98) | 0 | (98) |
| Earned Income Tax Credit Contract Savings | 0 | 0 | 0 | (375) | 0 | (375) |
| FY17CSA | 0 | 150 | 150 | 0 | 0 | 0 |
| II180 Admin Manager (nm) CBA | 1 | 0 | 1 | 3 | 0 | 3 |
| PS Accruals | (366) | 0 | (366) | 0 | 0 | 0 |
| Tobacco Grant Adjustment | 0 | 4 | 4 | 0 | 4 | 4 |
| Hiring Plan Adjustment | (100) | 0 | (100) | 0 | 0 | 0 |
| NFTP FSS DCA | 0 | 98 | 98 | 0 | 0 | 0 |
| Subtotal, Other Adjustments | (\$588) | \$404 | (\$184) | (\$472) | \$4 | (\$468) |
| TOTAL, All Changes | (\$588) | \$404 | (\$184) | (\$472) | \$4 | (\$468) |
| Agency Budget as of the Preliminary 2018 Budget | \$36,012 | \$4,402 | \$40,414 | \$37,039 | \$4,009 | \$41,048 |

Appendix B: Fiscal 2016 Mayor's Management Report Performance Measures

| DCA Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|---|-------------|-------------|-------------|--------|------|----------------|-------------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total docketed complaints | 3,853 | 3,702 | 3,650 | * | * | 1,237 | 1,051 |
| Resolved consumer complaints | 3,873 | 3,495 | 3,691 | * | * | 1,371 | 1,021 |
| Complaints processed within 0-28 days (%) | NA | 51% | 51% | 50% | 50% | 40% | 52% |
| - Within 0-50 days (%) | NA | 83% | 85% | 85% | 85% | 73% | 88% |
| - Within 0-90 days (%) | NA | 100% | 100% | 100% | 100% | 100% | 100% |
| Median complaint processing time (days) | 20 | 27 | 28 | 28 | 28 | 36 | 28 |
| Restitution awarded (\$000) | \$3,588 | \$6,189 | \$3,472 | * | * | \$1,464 | \$589 |
| Mediated complaints resolved to the satisfaction of the business and consumer (%) | 62% | 62% | 64% | 62% | 62% | 63% | 65% |
| Total settlements (\$000) | \$9,395 | \$7,542 | \$8,324 | * | * | \$2,045 | \$2,015 |
| Total inspections | 73,035 | 65,506 | 76,996 | * | * | 24,057 | 25,311 |
| Total violations issued | 19,888 | 11,923 | 14,291 | * | * | 4,291 | 4,807 |
| Licensing Law compliance rate (%) | 93% | 95% | 95% | 93% | 93% | 94% | 96% |
| Consumer Protection Law - refund and receipt compliance rate (%) | 81% | 91% | 91% | 80% | 80% | 89% | 92% |
| Weights and Measures Law compliance rate - gasoline pumps (%) | 99% | 99% | 100% | 98% | 98% | 99% | 100% |
| Weights and Measures Law compliance rate - fuel trucks (%) | 78% | 70% | 68% | 72% | 72% | 68% | 70% |
| Inspected stores complying with tobacco regulations (%) | 92% | 92% | 93% | 90% | 90% | 96% | 89% |
| Number of fines collected within 45 days of assessment (%) | 81% | 82% | 89% | 80% | 80% | 83% | 87% |
| Basic license application - Average processing time (days) | 3 | 2 | 2 | 4 | 4 | 2 | 3 |
| License applications received online (%) | 19% | 20% | 18% | * | * | 19% | 22% |
| Licensing Center wait time (minutes) | 16 | 13 | 8 | 15 | 15 | 8 | 5 |
| Businesses educated through direct outreach | 34,865 | 22,659 | 17,072 | * | * | NA | NA |
| - Total debt reduced (\$000) (cumulative) | \$23,893 | \$33,088 | \$43,125 | * | * | \$36,490 | \$46,167 |
| - Total savings accumulated (\$) (cumulative) | \$2,987,936 | \$3,596,836 | \$4,094,324 | * | * | \$4,024,073 | \$4,142,088 |
| Tax returns filed through citywide Tax Credit Campaign | 96,611 | 153,365 | 162,583 | * | * | NA | NA |
| Paid Sick Leave (PSL) complaints received | NA | 583 | 335 | * | * | 116 | 96 |
| PSL complaints closed | NA | 369 | 403 | * | * | 197 | 72 |
| Average time to resolve all PSL complaints (calendar days) | NA | 33 | 101 | DOWN | DOWN | 85 | 131 |
| Employees receiving restitution | NA | 97 | 13,675 | * | * | 7,939 | 740 |
| Total amount of employee restitution (\$) | NA | \$54,961 | \$2,123,391 | * | * | \$590,556 | \$384,254 |
| Total amount of PSL fines (\$) | NA | \$50,050 | \$1,201,468 | * | * | \$315,377 | \$167,689 |
| Average customer in-person wait time (minutes) | 16 | 13 | 9 | 17 | 17 | NA | NA |
| Completed customer requests for interpretation | 2,536 | 3,377 | 3,861 | * | * | NA | NA |
| CORE customer experience rating (0-100) | 94 | 95 | 98 | 83 | 83 | NA | NA |
| Percent meeting time to first action - Consumer Complaint - Exchange/Refund/Return (4 days) | 70% | 83% | 93% | 85% | 85% | 85% | 98% |

| DCA Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|--------|------|------|--------|------|----------------|------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Percent meeting time to first action - Consumer Complaint - Non-Delivery Goods/Services (4 days) | 71% | 82% | 92% | 85% | 85% | 81% | 98% |
| Percent meeting time to first action - DCA / DOHMH New License Application Request - General Street Vendor License (7 days) | 92% | 65% | 78% | 85% | 85% | 59% | 87% |
| Percent meeting time to first action - Consumer Complaint - False Advertising (4 days) | 69% | 84% | 91% | 85% | 85% | 81% | 96% |
| Percent meeting time to first action - Consumer Complaint - Overcharge (4 days) | 71% | 82% | 93% | 85% | 85% | 82% | 97% |

**Continuation from previous page*