



Good afternoon, Chair Ung, and members of the Committee on Governmental Operations.

I'm Dawn Pinnock, Commissioner of the Department of Citywide Administrative Services. At DCAS, our mission is to make city government work for all New Yorkers.

We approach our work with a commitment to our three core values: equity, effectiveness, and sustainability.

DCAS Accomplishments

I am pleased to be here to discuss the proposed DCAS budget for fiscal year 2024. I want to start by providing a few updates about DCAS's work since our agency testified before your committees last year.

The climate crisis is real and it is urgent, and that is why DCAS is taking bold and decisive action to reduce emissions from government operations.

- During FY22, DCAS completed 2,000 energy efficiency measures in City buildings and infrastructure, reducing greenhouse gas emissions by 24,600 metric tons – the equivalent of removing 5,300 cars from our streets.
 - Thus far in FY23, we have successfully installed resilient solar roofing at six FDNY firehouses to generate emissions-free energy.
 - We've funded an EDC-managed new construction project in order to achieve better wall insulation, better roof insulation, better windows, more air-tight construction, high efficiency ventilation, high efficiency lighting, and rooftop solar, resulting in a Net Zero Energy library which reduces 26.7 MTCO₂e and saves the City \$5,809 annually.
 - Additionally, DCAS completed comprehensive lighting upgrades at three DSNY Brooklyn District Garages which resulted in 147.4 MTCO₂e GHG emission reductions and \$57,124 annual cost savings. Similar work has also been completed at the Brownsville Health Center which resulted in 27.6 MTCO₂e GHG emission reductions and \$14,863 annual cost savings.
- We made historic investments in electric vehicles and charging infrastructure. During FY22, we replaced nearly 1,300 fossil fuel-powered vehicles with electric models. A key step as we transition the entire fleet to electric.
- We also led a successful effort to reduce the size of the City's vehicle fleet by over 850 vehicles. This initiative will reduce greenhouse gas emissions by over 2,000 metric tons per year and save taxpayers \$13.7 million per year.

In addition to our climate actions, we are helping city government get stuff done. The services and support we provide help every agency deliver on their mission.

- We are also using innovation to improve the civil service process. We created and administered the first NYC Bridge Exam. This is a civil service exam that covers 10 different civil service titles. By only paying one fee and taking one exam, New Yorkers will be eligible for jobs under 10 different civil service titles.
 - The titles were selected through our job analysis process. We analyzed entry-level titles for shared testable abilities and these 10 titles met the criteria. In addition, these titles support our larger effort to reduce provisional hiring.

DCAS also plays a key role in creating opportunities for all New Yorkers.

- During Fiscal Year 2022, we hosted or participated in nearly 200 events to spread awareness about working for the City of New York, reaching over 12,000 participants.
- We also administered 153 civil service exams to over 79,000 job seekers. Through these exams, we opened pathways to great careers and helped City agencies identify qualified candidates for their hiring needs.
- This current fiscal year we are seeing most new hires identifying as female and/or non-white.

In addition to strengthening the City's workforce, DCAS is responsible for purchasing, storing, and managing the inventory of over \$1 billion in supplies and equipment procured for City agencies each year. The bulk purchasing we do helps achieve lower prices that save money and allows for a centralized distribution process. To improve the procurement process, during Fiscal Year 2022, we deployed our new Warehouse Management System and integrated the system with the City's procurement system known as PASSport. This will enhance the use of our inventory and do additional data analysis to better inform management and reporting.

As commissioner, one of my goals is to build a better DCAS, one that is nimble, modern, and effective. While much has been achieved during the first year of the Adams administration, important work lies ahead.

Looking Ahead

As we look forward, we're doubling down on cultivating a city government that delivers equity, access, and fortifies communities. Over the past three years, employers around

the world have been plagued with unprecedented challenges as a direct result of the COVID-19 pandemic; unfortunately, the City of New York is no exception. Despite the harsh realities that have upended the workforce as we know it, we are proud that our civil servants have continued to provide critical services and ensure that New Yorkers have access to adequate resources, opportunities, and information.

To achieve our goals, it is essential to grow and strengthen our workforce. As with most municipalities, New York City is working towards targeted recruitment as we combat high vacancy rates. It has forced us to reimagine and reassess our approach to recruitment and implement new strategies to attract world-class talent to come and work for the city. Inclusive recruitment and outreach are key to promoting equal employment opportunity. Under the guidance of DCAS, recruitment and hiring initiatives will be centralized to promote the breadth of employment opportunities within city government.

In the coming months, we are ramping up our recruitment efforts with the launch of a marketing campaign aimed at encouraging people to join the City's workforce and hosting monthly hiring events and job fairs all across the city. These events are targeted to all New Yorkers with an emphasis on providing equity and access for underserved populations who may not have considered chartering a career path in city government.

In addition to the work we are doing to improve and grow our workforce, we have also committed to four core strategic priorities which align with Mayor Adam's objectives. Those four priorities include:

1. Jobs

- a. As we manage the City's primary pathways to employment it is our main objective to position New York City government as a competitive employer with reduced hiring cycle times, and increased recruitment and retention of diverse talent pools.
- b. Our ability to thrive is tied directly to the quality of people working towards the same goals. As I mentioned previously, our marketing efforts will help towards this end and create an enhanced public education campaign about working for the City, along with:
 - i. Establishing a NYC Hiring Transformation working group to focus on citywide recruitment uniform and equitable interview and selection processes and standardizing how employees are onboarded.
 - ii. Increasing diversity in the City's workforce across race, age, gender, and sexual orientation.

2. Grow our electric vehicle network

- a. Expand citywide electric vehicle charging infrastructure with increased accessibility in environmental justice communities.
- b. Electric vehicles are the future and we're committed to building an ecosystem that supports their operation and implementation citywide.
- c. By adding charging infrastructure, we're preparing for our electric future.
- d. We're increasing the number of electric vehicle charging ports by 75% and increasing the number of solar carports by 85% in FY 24.
- e. And at least 20 of these new chargers will be publicly accessible for New Yorkers. This will help increase the use of electric vehicles, cleaner air, and create a greener city.

3. Opportunities for M/WBEs

- a. Support M/WBEs by increasing their contract spend through direct vendor engagement and improved procurement methods.
- b. We're collaborating with agencies to develop individual contracts for security services.
- c. We held a food expo in January where we provided M/WBE food vendors an opportunity to engage directly with agencies that procure food on behalf of the City.
- d. We are also increasing our M/WBE outreach by creating bi-monthly in-house networking opportunities between MWBE vendors in certain purchasing categories (i.e. construction, IT, building maintenance, etc.)
- e. And we're expanding our outreach to communities of color to increase engagement and chart pathways to working with City agencies.

4. Make our city more livable

- a. Improve communities and make our city more livable and attractive by increasing property utilization for City-owned and leased spaces.
- b. By Calendar Year 24, we expect to increase utilization of City-owned properties by 50% through sale or lease
- c. Use RFEIS, RFPs and Concession agreements to gauge public interest and determine best uses for property including efforts to add cycling infrastructure, lockers, vending and more.
- d. Invest in space saving like agency co-locations to reduce energy and leasing costs.
- e. The greater utilization of surplus properties will help revitalize neighborhoods and build community.

Understanding the DCAS Budget

As we strive to achieve these goals, it's important to understand how our budget plays a role in determining what is possible. The vast majority of DCAS's budget is allocated to cover expenditures on behalf of other city agencies. In fact, 61% of our annual budget supports programs at our sister agencies, 36% supports citywide services that agencies utilize or benefit from, and the remaining 2% supports our internal needs.

As the City's service provider, our \$1.6 billion operating budget must support:

- \$916 million in projected energy expenses including heat, light and power at agencies and properties across the city.
 - Budgeted utility expenses represent non-discretionary costs based on forecasted energy usage and utility rates. The good news is that DCAS is working every day with agencies through multiple programs to reduce energy use, and to date this work has generated more than \$115 million in energy savings.
- \$152 million to cover costs associated with multi-tenanted lease sites. We are responsible for identifying space for city agencies and other public entities when city owned space is not available or feasible.
- DCAS has also been leading efforts on multiple initiatives aimed at reducing emissions from government operations, electrification of the citywide fleet and maintaining city buildings by addressing life and safety repairs in the public sites we manage. In the current year our budget includes:
 - \$19.5 million which was recently added to support emergency façade and roof projects; including \$11.9 million added for our Schermerhorn, Joralemon, 80 Centre, Worth, 253 Broadway and the Grand Concourse buildings;
 - \$7.7 million recently added to support emergency roof and other interior repairs;
 - \$32 million to support the City's effort to transition to an all-electric fleet and;
 - \$110 million to achieve the One City climate goals as outlined in EO89 and LL97.

Revenue Generation

In addition to the aforementioned programs, every year DCAS conducts a significant amount of revenue generating work on behalf of the City. In FY23 and FY24 we anticipate generating \$60.9 million and \$66.2 million respectively. This revenue is primarily due to three areas:

- \$37 million in private rentals of city-owned properties, DCAS's largest source of recurring revenue.
- \$12.3 million for the sale of surplus vehicles and other City-owned equipment; and
- \$3.8 million from applicant filing fees for civil service exams.

DCAS Capital Plan

For our capital plan, the preliminary budget reflects an updated five-year plan of \$4.1 billion from FY23 through FY27 for projects managed by DCAS. This plan includes maintenance and enhancements to DCAS facilities, renovation of leased spaces, and continuing our energy conservation and fleet electrification work. The preliminary budget for FY24 is \$856 million and includes:

- \$524.3 million for energy conservation and green energy projects. This includes funding to electrify boilers, lighting retrofits, HVAC upgrades, steam distribution improvements, and a variety of clean energy projects.
- \$300.8 million to support DCAS's capital construction program for City-owned offices and court buildings. While this includes the routine operations and maintenance of our buildings, it's also part of a broader focus on helping agencies more efficiently use office space in our municipal buildings.

Conclusion

I want to thank the council for its partnership and for providing me with the opportunity to testify. I look forward to working with each of you to advance the mission of my agency and support the critical work we do citywide to keep our city thriving. With that, I would be happy to answer any questions.

**Statement by Corporation Counsel Sylvia O. Hinds-Radix to the City Council
In Connection with the Preliminary Budget for Fiscal Year 2024
March 22, 2023**

Good morning, Chair Ung and distinguished Members of the Government Operations Committee. It is a pleasure to come before you to discuss the Law Department's fiscal year 2024 Preliminary Budget. I'm joined by First Assistant Corporation Counsel Muriel Goode-Trufant, Managing Attorney Eric Eichenholtz, and Chief of Administration Jennie Nagle.

The Law Department represents the City, the Mayor, the City Council, other elected officials and the City's agencies in all affirmative and defensive civil litigation. As a prosecuting agency, the Department brings proceedings in Family Court alleging violations of criminal laws and represents the People of the State of New York in proceedings filed in Criminal Court to enforce the City's Administrative Code. Law Department attorneys draft and review local and state legislation, real estate leases, procurement contracts and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as civil rights, education, intellectual property, land use and environmental policy. The Department's work embraces all City entities and operations; our impact is tremendous.

The Department currently has on board approximately 730 assistant corporation counsels and 635 legal support professionals. We are proud to be a diversity, equity and inclusion leader in the legal profession with approximately 30% of our lawyers ethnically diverse and 59% percent women.

The Law Department plays an important role in enhancing the City's fiscal strength and advocating for the public good. Notably, our Affirmative Litigation

Division has already recovered \$37 million dollars for the City and City entities¹ this FY and we anticipate recovering approximately \$6 Million more by the end of the FY. This includes monetary recoveries for unpaid cigarette taxes, property damage, social services overpayments, judgment collection activities, breach of contract, trademark infringement, design and construction litigation, among other things.

In addition to these recoveries, we continue to reach large settlements the ongoing litigation against the manufacturers and distributors of opioids. As you may be aware, the City, along with some other states including New York and other counties and cities throughout the U.S., brought claims against the manufacturers, distributors, and marketers of prescription opioid products. The City has received a more than \$10 million from settlements from these lawsuits since January of this year alone. As we reach settlements with other manufactures, the amount received by the City will continue to grow. For example, this past January, the City, in connection with the State and other localities in New York, settled with another large opioid manufacturer that will result in the City receiving a total of \$80 million over the duration of the settlement.

In addition to these financial recoveries, our Affirmative Litigation Division continues to pursue civil enforcement actions to protect city residents, including our successful litigation for injunctive relief preventing five Ghost Gun manufactures from selling those dangerous guns into New York City. We also anticipate saving a significant amount of payouts from the judgment and claims fund through our continuing activity to compel insurance companies to defend and indemnify the City. In these cases, our Tort and Affirmative Litigation Divisions are enforcing coverage for lawsuits arising out of the work performed by private contractors and permittees.

¹ Semi-Annual Report p. 15.

Every case that the insurance company steps up to defend is a case that does not have to be defended by city attorneys, thus saving enormous legal resources. Settlements and judgments paid by insurers in cases falling within the policy coverage also save the City substantial sums; since the start of this project in the late 1990's we have saved the City almost two and a half billion dollars.²

Another example of Law Department efforts that result in cost savings is the work of the Tort Division's Risk Management Unit that works with all City agencies to mitigate or eliminate risks to City residents, both short-term by identifying dangerous conditions that can be remediated quickly and long-term by identifying agency operations or practices that are often the subject of litigation to discuss possible changes. The Risk Management Unit meets regularly with City agencies to discuss matters that are frequently the subject of litigation to strategize about possible changes to mitigate risk.

A further example is our Commercial and Real Estate Litigation Division, which defends the City in a wide range of contractual disputes. These disputes include three categories of agreements: contracts with private companies to build or repair the City's infrastructure; leases of important public properties; and contracts for all types of goods and services. These claims are largely based upon negotiated terms of pre-existing agreements and typically involve significant exposure to the City. In FY22, the Division saved the City more than \$32 million by resolving \$138 million dollars in claims for just under \$106 million – and is on pace to exceed that amount this fiscal year. Similarly, our Tax & Bankruptcy Division's defense of real property tax assessments protected almost \$62 Million in property tax receipts in FY22 and more than \$37 Million during the first half of FY23.

² Semi-Annual Report p. 6

The Law Department continues this excellent work at a time of great challenge. As we continue to emerge from the COVID-19 pandemic we have seen a dramatic increase in our new filings. These new filings are part of an increased workload caused by a growing return to in-person court appearances and trials, and a substantial decrease in the resources at our disposal.

As you are likely familiar, our office works side by side with Council attorneys crafting local laws and then defending those laws if and when they are challenged. To name just a few, over the last year, we have collaborated in our defense of local laws providing relief and protections to hotel employees, capping delivery app service fees and laws prohibiting discrimination based on sexual and reproductive health decisions

This work was in addition to our efforts to defend the City and its employees in litigation in more than 62,000 cases. During the pandemic, we have experienced an increase in pending cases, particularly in our largest division, Tort. In Tort, there are now more than 28,000 cases, two thousand more than a year ago and four thousand more than two years ago. Included in this number are COVID-19-related cases, newly filed Child Victims Act cases, as well as long-standing cases, for which trial dates in hundreds of cases in State court have been delayed by the pandemic but for which the Court system is now working to move forward.

Pre-pandemic, we were able, with the assistance of City Council, to add resources to the Tort Division, which enabled us to improve case outcomes through increasing early settlements, engaging in better case preparation, and enhancing our state court trial practice. We have experienced a total erosion of those resources these past two years and will need to focus all existing resources on handling the increased caseload.

We continue to pursue innovative strategies to manage the workload across all of our divisions in the face of the increased workload and post-pandemic challenges, but fear that the unprecedented level of attrition of ACCs and support professionals may outpace our mitigation efforts.

All the work of the Family Court Division is geared toward strengthening families and communities. Its mission is two-fold through Juvenile Justice and Interstate Child Support. We are the presentment agency in all Juvenile Justice and Adolescent Offender cases referred to the City's Family Courts. Under the rehabilitative mandate of the Family Court Act, the Family Court Division must work to achieve outcomes that serve the needs of each individual youth brought before the court while at the same time protecting the interests of crime victims and ensuring the safety of the community at large. However, these matters require resources similar to those prosecutorial agencies such as the District Attorneys. Our Family Court Attorneys work in approximately 30 locations, 24 hours a day, seven days a week, including night, weekend, and holiday operations.

The amount of serious matters handled by the Division continues to rise. New York City continues to experience a significant increase in violence around firearms cases. The number of firearms cases handled by the Division is at an all-time high and it has increased exponentially over the past three years. Where referral of zero or one homicide was the norm for the Division in the prior 5 years, in 2022, 8 homicides were referred and investigated by our staff. In 2017, the Division handled 39 firearms cases citywide. In 2022, 384 firearms cases were referred to and investigated by the Family Court Division. Despite the increased complexity of the cases and challenges regarding evolving technology and attrition; with the exception of the first year of the pandemic (2020), the Division has maintained a conviction rate of over 70%.

The goal for youth in Juvenile Justice is to identify strengths as well as resources and opportunities to foster success in the community. To do so, our staff members are dedicated to outreach across the five boroughs, attending events in schools and in communities in order for us to meet and support all those who may need our assistance. In Juvenile Justice proceedings, the law requires a determination that balances the needs of the youth and the community safety. The vast majority of cases in the Division result in community-based outcomes including diversion and restorative justice. Despite the continued difficulties presented by the pandemic, the number of diversions have continued to grow.

Throughout all matters, we look toward matching youth, families and impacted community members with appropriate services and opportunities geared toward preventing system involvement; providing rehabilitation; securing restorative services and promoting enhanced outcomes for the youth, families and communities in NYC. Our staff is committed to a wholistic approach to these issues.

My testimony today provides a limited survey of the very broad and varied legal work performed by the Law Department. By keeping the interests of all New Yorkers at the center of our work, we can do what is right and reinforce trust in government. And that is our core commitment.

I thank you for your support of the Law Department and look forward to our continued collaboration. I would be happy to answer any questions you may have.



**BOARD OF ELECTIONS
in
THE CITY OF NEW YORK**

**Testimony of
Michael J. Ryan, Executive Director and
Vincent M. Ignizio, Deputy Executive Director**

**Committees on Governmental Operations and
Finance - Council of the City of New York**

Fiscal Year 2024 Preliminary Budget

March 22, 2023

Chair Ung, Chair Brannan, members of the New York City Council's Committee on Governmental Operations and Committee of Finance, thank you for the opportunity to appear before you on behalf of the Board of Elections (Board). I am Michael J. Ryan, the Executive Director of the Board.

Joining me are Deputy Executive Director Vincent Ignizio, General Counsel Hemalee Patel, Deputy General Counsel Raphael Savino and Director of Finance Gerald Sullivan.

Review of Recent Events

Before discussing the Mayor's Executive Budget for FY2024, let me thank the City Council and the Mayor's Office for providing the necessary support to the Board in FY2022 and FY2023. That funding met the Board's constitutional and statutory mandates as well as the needs of the voters of the City of New York. I extend a

special thank you for addressing the Board's funding needs during very difficult times.

In the immediate aftermath of the COVID-19 emergency, the Board was faced with additional unprecedented challenges. During the last year the Board conducted five (5) special elections (including a bifurcated primary for state offices) and was required to complete the "once every ten (10) years" Election District reapportionment process twice, as a result of court order. The Board also timely met its responsibility to complete an additional election district reapportionment to accommodate the newly established New York City Council Districts.

In FY2023, the Board's budget includes the cost to conduct (3) election events impacting citywide, borough wide and city council races, including a primary election conducted on August 23, 2022 Primary ("August Primary"), a general election conducted on November 8, 2022 ("General Election"), and a primary election

scheduled for June 27, 2023 Primary Election (“June Primary”). The Board will work with the Administration to secure the additional funding necessary to cover election cost for the June Primary. Each such election event consists of nine (9) days of Early Voting and election day.

While it remains customary to refer to “election day”, present reality is that it is actually ten (10) days of voting for each election event and additional set-up days for both early voting and election day.

The June Primary will again utilize Ranked Choice Voting (RCV) for New York City elective offices. In FY2024, the Board is scheduled to conduct (3) election events, the November General Election, Presidential Primary (a date to be determined) and Federal and State Primaries in June. Funding for any special elections that may arise is treated as a new need; as the Board cannot predict this cost variable. The Board enjoys a cooperative working relationship with the Administration to ensure such events are fully funded.

There were several recent New York State legislative enactments and scheduled election events/requirements that will profoundly impact election operations and cost, including the following:

- A change to the canvassing of absentee ballots requiring extending public access to the canvass process prior to election day.
- Establishing a statewide online absentee ballot application portal and absentee ballot tracking portal.
- Online voter registration portal and automatic voter registration.
- Presidential Primary (which will occur prior to the close of FY2024).
- Local registration events that are required during presidential election years (same were suspended in 2020 by Executive Order but will resume in 2024).

The Board is working closely with OMB to finalize the funding for the above elections/events, as well as ongoing cyber-security and technology needs.

Mayor's Executive Budget for Fiscal Year 2024

The Board would like to express its gratitude to the Mayor's Administration and the City Council for partnering with the Board. The Board projects a budget of \$260 million for FY2024, which is \$24 million more than the current FY2023. The Board is requesting \$159 million to be allocated to Personal Services (PS) and \$101 million to be allocated to Other Than Personal Services (OTPS). The budget is necessary to accomplish the Board's legislative mandates. In FY2024 the Board will conduct three (3) citywide elections, the November General Election, Presidential Primary and the Federal and State Primary in June 2024.

Each election is preceded by nine (9) days of EV. The Board utilized 61 Early Voting sites for the November 2019 General Election, 88 Early Voting sites for the 2020

General Election, 106 Early Voting sites for the 2021 General Election. The enactment of the New York State Make Voting Easy Act sets standards for the number of early voting locations based upon population density. Currently, it is expected that the number of Early Voting sites will increase to 146 for the June Primary and will continue to increase as future population increases may demand.

The Board acknowledges that its fiscal needs are, or will be, fully met through the end of FY2023 to meet its legal mandates. It is important to note that FY2024 will continue to realize significant changes in the conduct of elections. To ensure success of the Make Voting Easy Act, appropriate funding will be required to meet the Board's needs and the Board will address such needs with the Administration, as necessary.

Conducting early voting for a continuous period of nine (9) days has fundamentally altered the Board's approach to elections. The changes and additional

legislative mandates present new funding needs to provide for additional equipment, office space, staff, training, poll site costs and public education. Such adjustments remain a “work in progress” and through the close working relationship with the Administration and the City Council, the Board remains confident that the funding necessary toward continued improvements will be available.

Increasing the poll worker pool is critical to a successful voting experience. The Board has effectively utilized advertisements on mass transportation and other digital and print platforms for poll worker recruitment. The Board intends to continue robust poll worker and interpreter recruitment using various forms of media including TV, radio, social media platforms and local and language-specific newspapers to ensure all Early Voting sites are fully staffed. The Board reaffirms its request to establish a municipal workers/poll workers program.

On-going voter education is also a critical element of election success. The Board intends to mimic its poll worker outreach efforts in its voter education efforts and effectively tailor information to ensure effective messaging.

For RCV, the Board will replicate its 2021 efforts and work with various stakeholders to implement a media campaign another effective media campaign. In 2021 the Board also partnered effectively with the Campaign Finance Board (CFB) to ensure message consistency and maximization of coverage.

Modern technology demands necessitate robust cyber-security efforts and ever-modernizing technology. The Board is in a perpetual state of monitoring, evaluating and addressing protection from external threat vectors. Since the summer of 2016, the Board has developed and enhanced an effective working relationship with the group now known as NYC3. The New York State Board of Elections (State Board), within

the scope of its regulatory mandate, directs enhanced cyber-security requirements requiring additional staffing. To ensure that current efforts are enhanced and future needs are fully met, the Board must continue to review and improve its internal cyber-security efforts. The Board expects to work closely with NYC3 and the Administration to ensure that such efforts are conducted utilizing the most advance tools possible. It is expected that additional staffing and space needs will be addressed as elements of such efforts. The Board will also continue to participate in any grant funding packages that may be available for such purposes (i.e. recent NYS Tier Grant provided in excess of \$8,000,000.00 in reimbursement to New York City).

Conclusion

The Board is committed to working closely with its government partners and interested parties to effectively serve the voters of the City of New York. Any resources

allocated to the Board will be used responsibly to meet the needs of the voting public.

The Board remains sensitive to the fiscal challenges faced by the City and mindful of its obligations to serve the voters of the City of New York. The Board remains committed to the partnership that has been forged with this Administration and this Council. The Board is confident that any additional funding requests to meet its needs or to enhance its ability to serve the voters of the City of New York will be effectively addressed in a spirit of mutual cooperation. The Board reaffirms its commitment to this Council that any allocated resources will be wisely utilized and the public trust will continue to be its guidepost.

As always, my colleagues and I are available to answer any questions that you may have and to provide you with additional information.



**Statement by
Commissioner & Chief Administrative Law Judge Asim Rehman
of the NYC Office of Administrative Trials and Hearings
to the City Council Committee on Governmental Operations
in Connection with the Preliminary Budget for Fiscal Year 2024**

March 22, 2023

Good afternoon. My name is Asim Rehman and I am the Commissioner & Chief Administrative Law Judge at the NYC Office of Administrative Trials and Hearings (OATH). I would like to start by thanking Chair Ung and the members of the Committee on Governmental Operations for the opportunity to testify today. I am joined today by my colleague Brian Connell, Assistant Commissioner for Financial Services and Data Analytics.

OATH is New York City's central, independent administrative law tribunal, and our mission is to ensure that everyone who appears before us receives a fair opportunity to be heard and a timely resolution of their case. We are a high volume court; in 2022 alone we processed almost 500,000 summonses, held over 235,000 hearings, issued close to 2,000 appeals decisions, and conducted approximately 650 trials. In each of these cases, we take great care to ensure that every party who appears before us is treated impartially and is accorded due process.

In today's testimony I will first describe the successful efforts of the Office of Administrative Trials and Hearings over the past year, and will then address the budget projection for this coming year.

In the past calendar year, the challenges caused by the pandemic did not diminish OATH's ability to ensure due process and fair and impartial hearings. Rather, since the earliest days of the pandemic in New York City, OATH has been able to adapt its practices so that we could seamlessly deliver our services to New Yorkers, city agencies, and all other parties who appear before us. Most notably, when the pandemic started not only was OATH able to quickly pivot from in-person to remote hearings, but we have since refined our practices so that the remote option has become the mode of choice for most respondents who have cases at OATH. To put this in concrete terms, it is with great pride that I can report that we have managed to conduct more than 586,000 remote hearings in our Hearings Division since the pandemic began. We have also held thousands of remote trials and conferences in our Trials Division. Thanks to remote hearings, OATH continues to afford New Yorkers with access to just outcomes on City-issued summonses while also providing convenience and a healthy and safe way for New Yorkers to appear. The vast majority of New Yorkers who challenge City-issued summonses continue to opt for the convenience that a telephonic hearing provides. Adding to this convenience is an available call-back function that eliminates their time waiting on the phone.

Whatever challenges await the city, the amazing staff at our agency have dedicated themselves to meeting these challenges and making sure that New Yorkers receive impartial hearings and timely decisions. OATH's staff is, very much, "New York's Fairest."

Trials Division

OATH's Trials Division adjudicates a wide range of cases filed by City agencies, boards, and commissions. Trials are conducted by Administrative Law Judges (ALJs) who are appointed to five-year terms. The Division's caseload includes employee discipline and disability hearings for civil servants, as well as cases involving City-issued license suspensions and revocations, City vendor contract disputes, the conflicts of interest law, the City Human Rights Law, consumer and worker protection laws, the Loft Law, retention of police-seized vehicles prior to forfeiture proceedings, and seizure of vehicles from drivers accused of speeding in school zones and running red lights. In the past two years, additional staff joined OATH's Trials Division to help the Division adjudicate or facilitate settlement of an increased caseload of employee disciplinary matters brought by the City's Department of Correction.

Over the past year, the OATH Trials Division continued to conduct proceedings primarily by video. This has enabled parties to participate safely and effectively, view video and other evidence simultaneously, receive interpretation in their languages of preference, and communicate clearly with ALJs. In fact, through the dedication of our skilled staff, the tribunal has produced significantly more output in the first half of FY 2023 than in the same period in FY 2022, and with a higher percentage of decisions upheld. Specifically, from July 1, 2022 through January 2023 (the most recent month for which data is currently available), OATH ALJs resolved 1539 cases, including 1262 cases via settlement conferences, which represents an increase of 58% as to settlements compared to the same period last year. OATH ALJs also held 342 trials, 37% more than in the same period the previous year. Lastly, 99% of ALJs' recommendations have been upheld by City agency heads in their final determinations.

Hearings Division (Adjudications, Clerk's Office, and Appeals)

The OATH Hearings Division is comprised of Adjudications, Clerk's Office, and Appeals. Adjudications conducts hearings on summonses issued by more than 20 different City enforcement agencies for alleged violations of law or City rules. City enforcement agencies that issue these summonses include the Department of Buildings, the Department of Sanitation, the Department of Environmental Protection, the Fire Department, the Parks Department, the Department of Consumer and Worker Protection, the Department of Health and Mental Hygiene, and the Taxi and Limousine Commission. In terms of numbers, I am proud to report that we have now adjudicated 240,368 summonses in the last 12 months.

Adjudications continues to conduct most of its hearings telephonically. Telephonic hearings are safe, easy, and very convenient. With a telephonic hearing, residents and small businesses, their representatives, and City agency attorneys and inspectors do not have to travel to OATH Hearing Centers and appear in person, and they can schedule their remote hearings by email. A call-back option is also available for residents and small businesses to use once they check in to their Hearing by Phone, which adds convenience by eliminating the need to wait on hold and allowing New Yorkers to get on with their day until their hearing is called. That said, we know that some individuals do want to physically come to OATH for their hearing. Accordingly, OATH continues to make in person hearings available to respondents upon request. Residents and small businesses also have the opportunity to submit their defense by mail or through "one click" computer submissions.

As part of this work, the Clerk's Office staff handle all of the administrative steps associated with hearings, from scheduling to responding to inquiries to mailing out decisions to processing refunds and accepting payment on penalties imposed. In 2022, the Clerk's Office processed close to 500,000 summonses that were filed with OATH.

Lastly, Appeals receives and adjudicates matters that are filed with OATH when a party appeals the decision of a Hearing Officer. In 2022, Appeals issued close to 2,000 decisions.

Special Education Hearings Division

The Special Education Hearings Division was established by Mayoral Executive Order 91 of 2021 and a memorandum of agreement executed by OATH, the City Department of Education (DOE), and the State Education Department, all to address the growing number of filings related to claims for services for students with special needs, and the extensive delays in the adjudication of such claims. Federal law provides that students with disabilities are entitled to a free and appropriate public education. Accordingly, DOE is required to provide each special needs student with appropriate services so that the student may benefit from the educational program. A parent who believes that DOE is not providing the appropriate services for their child may file a due process complaint. The due process complaint is assigned to an Impartial Hearing Officer (IHO), who must adjudicate the matter in a fair and timely manner. Our OATH IHOs are appointed to four-year terms to ensure greater judicial independence. The IHOs are also bound by ethical rules to afford each party appearing before them due process and impartiality.

In the past year, we have accomplished the mammoth task of standing up this new division. Moreover, for those cases that have been assigned to OATH, we are meeting our intended purpose of reducing the time it takes to adjudicate claims filed by parents.

Center for Creative Conflict Resolution

Since 2016, OATH's Center for Creative Conflict Resolution (Center) has served as the City government's central resource for restorative justice and conflict resolution services in support of City government agencies, businesses and the general public. The Center offers a number of workplace conflict services for City agencies, including mediations, conflict coaching, group facilitation, restorative practices, dispute system design services, education, and training. A primary goal for the Center since its inception has been to work with city agencies to design and implement alternative dispute resolution services and restorative practices in their public facing work. During the past year, the Center handled close to 400 consultations, coaching sessions, trainings, workplace and community mediations, and group facilitations.

Access to Justice

OATH's mission requires that it prioritize the public's access to justice, and there are a several ways that OATH achieves this.

First, OATH ensures information is accessible by providing it in plain language and translating it into the top 10 languages spoken in NYC. Everyone has access to free translation services for help sessions, trials, hearings, community service and mediations. OATH also makes all forms and applications available in the top ten languages and has also made other documents such as outreach flyers, informational fact sheets and handouts available in the top ten languages. Later this year, when a respondent has a matter heard by OATH's Hearings Division or Trials Division, OATH will make it possible the respondent to request that a copy of the decision be sent to them in their preferred language.

Second, not having a lawyer should not limit one's ability to navigate OATH's processes. OATH has a Help Center which ensures that unrepresented respondents receive non-legal answers to their questions, are aware of their rights, and understand the hearing process. A resident is afforded the opportunity to have a Help Session, which is a one-on-one meeting with a Procedural Justice Coordinator in their language of preference. The Help Center's response time to requests for help sessions is less than one calendar day on average, and in 2022 OATH's Help Center staff conducted over 50,000 help sessions and assisted almost 40,000 individuals who came to the windows at our various locations.

In addition, OATH's Help Center has added specialized units to focus on assistance to Small Businesses, Veterans, and older adults. Since 2021, the Help Center began conducting Help Sessions in OATH's Trials Division for unrepresented For-Hire Vehicle drivers facing license suspension or revocation, and vehicle owners seeking to recover their vehicles after NYPD seizure pursuant to an arrest. More than a dozen explanatory fact sheets on enforcement agency processes and OATH's hearing process are available at the Help Center and may be translated into the top ten languages. These include but are not limited to the following fact sheets: DOB Certificates of Correction; DOB Stipulations; DCA Settlements; Helpful Information for Haircutters, Hair Salons, and Barbershops; and Summonses Where Your Property Was Taken Away.

If you, your staff, or your constituents would like to learn more about our Help Center, please reach out to us and we would be happy to provide it. The information is also available on OATH's website.

Third, OATH leverages technology to make our adjudications more accessible to parties. A text-message reminder system is available to all OATH respondents to help ensure that people never miss a hearing and get real time updates about the status of their case. Since the inception of the text-message reminder system in September 2020, approximately 13,128 respondents have registered for these reminders. The text message system can also be utilized to initiate contact with our Help Center.

In addition, during the pandemic, OATH added a call-back option to the Hearings Division remote hearings system, allowing respondents to avoid waiting on hold and instead request a call-back when their hearing is ready to go forward. Since this option was launched, around 80% of respondents have taken advantage of it.

For outreach materials, email signatures for our public-facing and Help Center staff, and other correspondences, OATH also created its own QR Code which takes users to a specific page on the OATH website called “You Received a Summons, Now What?” This webpage enumerates all the options available for someone who has just received a summons including links to other webpages and online forms such as reschedule form, payment websites, hearing request forms and other pertinent information.

OATH is also in the process of relaunching its website with new sitemap that makes it easier for the user to find our most important information and resources.

Fourth, OATH has redesigned a majority of the summonses that agencies use to have clearer plain language instructions, fewer words, and the QR code just referenced.

Fifth, appreciating that access to justice also requires transparency, OATH continues to facilitate requests from the media for records, information, and access to hearings. Additionally, our Trials Division decisions are made available online, our Hearings Division appeal decisions are accessible online, and we make the outcome and current status of hearings available for anyone to see online. Further, our average FOIL response time is approximately 8 days.

Sixth, with respect to access to justice, OATH recognizes that even with the technological advances and conveniences that I outlined, there are New Yorkers who want to engage with the City in-person. OATH meets people where they are. We have offices in every borough where people can come in person to ask questions and take care of OATH business. Each year, thousands of respondents come to our borough offices to get work done.

These are just some of the measures that OATH has put in place to ensure that its operations are fair and transparent and that everyone has access to justice.

Public Education, Outreach, & *OATH@Office*

Understanding that city government can sometimes be difficult to navigate, OATH has various vehicles for keeping respondents and practitioners updated on new developments. This includes the agency's social media presence and our monthly BenchNOTES e-newsletter.

Moreover, OATH remains committed to leaving our offices, getting out into neighborhoods, and educating New Yorkers about what we do. During the past year, OATH Communications & Public Affairs and Legislative Affairs Divisions continued to provide public education services about how New Yorkers and New York City businesses can resolve their civil violations. In the last year, OATH has conducted approximately 83 public-facing educational events in collaboration with elected officials, business associations, community groups, and

more. These educational events included trainings about OATH for Council Members' District Office Staff who handle constituent services. We recognized that some of your constituents will have a summons-related issue at one time or another, and we are happy to give your staff information about how OATH works. Also, we have introduced *OATH@Office*, a new initiative involving OATH staff working on location at a Council Member's District Office and meeting with and assisting constituents on matters related to their summonses and the hearing process.

We are proud of our work partnering with the Council through the years to provide assistance to the residents of this City. We look forward to working more with the Council to continue to find new ways to help New Yorkers and "get stuff done" for residents and small businesses.

Budget, Headcount, and Fines Collected

OATH's Fiscal Year 2023 adopted budget was \$68.2 million and the Fiscal Year 2023 current modified budget was \$65.1 million.

OATH's total preliminary budget for Fiscal Year 2024 will be \$62.9 million. Of the \$62.9 million, \$45.2 million is in personnel services and \$17.7 million is in other-than-personnel-services.

Agency headcount will be 368 in the Fiscal Year 2024 preliminary budget. This does not include the 343 per session hearing officers in the Hearings Division.

\$137.2 million is expected in collected civil penalties for Fiscal Year 2024 from payment of fines prior to a summons being docketed or falling into "collection" status.

* * * * *

In closing, OATH is dedicated to providing access to fair and impartial justice for all New Yorkers. Our outreach work with this City Council has helped us meet that goal this past year. I look forward to our continued efforts and I welcome any questions that you may have.



Organization: Coalition for Asian American Children and Families (CACF)

Name: Lloyd Feng

Position: Special Projects Policy Coordinator

Testimony:

Thank you, Chair Ung and thank you to Committee members and Committee hearing staff for including our testimony for consideration.

My name is Lloyd Feng, Policy Coordinator at the Coalition for Asian American Children and Families (CACF). For over 35 years, CACF has led the fight in New York City for improved and equitable policies, systems, and services to support those most marginalized in the Asian American Pacific Islander (AAPI) community. We are a member organization with over 80 AAPI-led organizational members and partners serving the AAPI community, which is the fastest growing population in NYC, comprising up to 18% of the city's total population.

Today, I come before you amid budget oversight discussions and hearings to urge the Committee on Governmental Operations to, in the interest of government efficiency, prioritize the implementation of the 2021 NYS AA and NHPI data disaggregation laws mandating the collection of specific ethnic subgroup data across state agencies and by extension, NYC agencies. Proper implementation of this law will be a first step in the long fight for AAPI data equity in government data collection. As you are already familiar, for far too long, the City's reliance on aggregate race data solely collecting data on "Asians" or "AAPI" has led to the invisibility of urgent needs in the Asian American and NHPI communities in NYC. The lack of disaggregated data on ethnic subgroups has led to a breakdown in government agencies' and policymakers' understanding of our communities with painful consequences for our communities' most marginalized members. For instance, the lack of disaggregated data on Asians and NHPI masks disparate health outcomes like in diabetes where South Asians display a higher disposition to diabetes than East Asians. We need this disaggregated data to help agencies better serve our communities, especially in issues that have life or death consequences.

Additionally, as mentioned earlier, the robust implementation of AA and NHPI data disaggregation and collection will only increase government efficiency. Equipped with disaggregated ethnic data cross-tabulated by need area or issue area, agencies can better target and deploy resources to more specific communities that demonstrate needs for a



Coalition For Asian American Children+Families

particular social service. For instance, during the pandemic, the City's aggregate data showed that Asians overall were not impacted as heavily by COVID-19. Qualitative and quantitative data collected by AA- and NHPI-serving community-based organizations revealed that specific parts of the community like Nepalis and Bangladeshis for whom the City did not provide culturally relevant services and language-accessible materials were severely undervaccinated and yet demonstrated a strong desire to receive the vaccine. Had city agencies been able to utilize disaggregated data, they would have been able to identify and target vaccine resources and language accessible materials toward the Nepali and Bangladeshi populations, thereby improving the health and life outcomes of such community members.

In the spirit of promoting fiscal responsibility and government efficiency, CACF urges the Committee on Governmental Operations to host an oversight hearing on NYC agency implementation of not only the 2021 NYS AA and NHPI data disaggregation laws, but also the City's existing laws that mandate demographic and linguistic data disaggregation across city agencies (Local Laws 126, 127, 128 from 2016). In November 2021, during another Gov Ops hearing that discussed these Local Laws, CACF urged revising these laws to be more inclusive of communities not currently included in data disaggregation, establishing the data collection and disaggregation standards across all city agencies, and providing funding to agencies to implement data disaggregation properly. Please prioritize funding data disaggregation implementation at city agencies that will best equip the City with a robust understanding of Asian American and NHPI New Yorkers' needs and subsequently, best target funding toward marginalized populations in such communities.

Good data collection underpins good governance, good policy, and government efficiency.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/22/2023

(PLEASE PRINT)

Name: Hon. Sylvia D. Hinds-Radix

Address: 100 Church Street, New York, NY

I represent: Law Department

Address: 100 Church Street New York, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: March 22, 2023

(PLEASE PRINT)

Name: Eric Eichenholz

Address: 100 Church Street, NY, NY 10007

I represent: New York City Law Department

Address: 100 Church Street, NY, NY 10007

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Appearance Card

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Date: 3/22/2023

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Name: Muriel Goode-Trufant

Address: 100 Church Street, NY, NY 10007

I represent: Law Department

Address: 100 Church Street, NY, NY 10007

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Date: _____

(PLEASE PRINT)

Name: Asiam Rahman

Address: Asst. Commissioner for

I represent: Adm. Serv. (Adm. Judge)

Address: (OATH)

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Asst. Brian Hoganell

Address: Asst. Commissioner for

I represent: Adm. Serv. (OATH) P.

Address: (OATH)

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Appearance Card

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 in favor in opposition

Date: 3/22/23

(PLEASE PRINT)

Name: Jennie Nagle

Address: W 207 St, NY, NY 10034

I represent: NYC Law Dept

Address: 100 Church St, NY, NY 10007

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Date: _____

(PLEASE PRINT)

Name: Shanna Midellan

Address: Chief Financial Officer/Deputy Commissioner

I represent: fiscal and business management

Address: (DCAS)

**THE COUNCIL
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Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dawn Pinnock

Address: Commissioner (DCAS)

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lana Kim

Address: Deputy Commissioner

I represent: of facilities management

Address: (DCAS)

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brian Gelman

Address: Chief Contracting Officer

I represent: DECS

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Wagner

Address: Assistant Commissioner (Chief

I represent: Engineering Construction

Address: and Technical Services (DECS)

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nitin Patel

Address: Deputy Commissioner, IT and

I represent: Chief of Staff, Office

Address: Deputy Comm, (DECS)

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THE CITY OF NEW YORK**

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shameka Overtan

Address: (Deputy Comm, Administration)

I represent: CD(CAS)

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Silvia Manalban

Address: Chief Citywide Equity and

I represent: Inclusion Officer (DCAS)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Keith Kerman

Address: Deputy Commissioner, Fleet Management

I represent: and Chief Fleet Officer

Address: (DCAS)

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jesse Hamilton

Address: Deputy Commissioner, Real Estate Services

I represent: (DCAS)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Barbara Dannenberg

Address: Deputy Commissioner, Human Capital

I represent: _____

Address: (DCAS)

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sanford Cohen

Address: General Counsel (DCAS)

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Crystal Morge

Address: Chief Engagement Officer

I represent: (DCAS)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Beatrice Thuo

Address: Executive Deputy Commissioner

I represent: Citywide Operations (DCAS)

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Laura Ringelheim

Address: Executive Deputy Commissioner

I represent: Asset and Property Management

Address: (DCAS)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carmine Rivetti

Address: CHIEF OF STAFF (DCAS)

I represent: _____

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 3/22/23

(PLEASE PRINT)

Name: BRIAN CHANG

Address: ASST COMMISSIONER (ENERGY SUPPLY)

I represent: DCAS (DIVISION OF ENERGY MGMT)

Address: 1 CENTRE ST

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