



**Citywide Administrative
Services**

**FY 2016 PRELIMINARY BUDGET HEARING
NEW YORK CITY COUNCIL
COMMITTEE ON FINANCE
COMMITTEE ON GOVERNMENTAL OPERATIONS**

**TESTIMONY BY STACEY CUMBERBATCH
COMMISSIONER, DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
MARCH 19, 2015**

Good afternoon Chair Ferreras, Chair Kallos, and Committee members. I am Stacey Cumberbatch, Commissioner of the Department of Citywide Administrative Services. I am joined by members of my senior staff today, to discuss the planned expenditures and revenues for FY15 and FY16, as well as highlights of the DCAS capital plan. Thank you for the opportunity to appear before you today. It has been a pleasure working with the Council over the past year and we look forward to continuing a productive and collaborative working relationship.

OVERVIEW

As you know, DCAS serves the agencies of the City of New York by ensuring that they have the critical resources and support needed to provide the best possible services to the public. One year ago I was appointed by Mayor de Blasio to serve as the Commissioner of DCAS. Since then I have assembled an experienced, highly skilled and diverse Senior team – each of us dedicated to providing our customers with the tools they need to support this Administration’s goals of equity, growth, resiliency and sustainability in carrying out the business of the City.

We are the back-office of the City, and it's our job to make everyone else's job easier so that the people of the City of New York get the service they expect and deserve. We have improved our customer service on the front end, better anticipating the needs of our sister agencies. We maintain a world-class fleet of cars and trucks, attract and train a competitive and diverse workforce, purchase goods and services at the lowest price from local sources when possible, and work to solve the City's office crunch while making sure our public buildings truly serve the public. All this and more falls at the doorstep of DCAS, and we are up to the challenge.

DCAS is organized into seven Lines of Service which directly serve our constituents.

Energy Management: DCAS's Energy Management Line of Service is responsible for monitoring and paying the City's Heat Light and Power bills. Accordingly, we work closely with the Mayor's Office of Sustainability, and play a central role in *One City, Built to Last*, the City's initiative to reduce greenhouse gas emissions by 35%, by 2025, and by 80% by 2050. We evaluate and fund projects proposed and managed by City agencies, which contribute to reduced energy consumption such as the replacement of inefficient boilers, Heating Ventilation and Air Conditioning (HVAC) systems, lighting and other systems in City owned buildings. Energy Management also trains building

mechanical maintenance staff on energy saving techniques. We are also growing the City's clean energy resources by installing solar photovoltaics on City buildings.

Fleet: Our Citywide Fleet Line of Service monitors the City's fleets and overall compliance with purchasing laws and environmental goals. We help manage nearly 27,000 light, medium and heavy-duty vehicles, representing over \$2 billion in assets. We also oversee the largest Municipal fleet of alternative fuel vehicles such as hybrids, Electric vehicles and Natural gas vehicles.

We have also played a critical role in the implementation of the Vision Zero Initiative. This includes providing New York State Defensive Driving Course training to City Government workers. To date, we have trained over 17,000 employees with a goal of at least 20,000 staff trained by the end of this fiscal year.

Fleet is also overseeing the implementation of the Truck Guard Installation Program. As recently announced, DCAS will install 240 City trucks with side truck guards in 2015, protecting pedestrians, bicyclists, and motorcyclists. This is the largest rollout of side truck guards in the nation.

Fleet is also overseeing the installation of vehicle tracking units (called CANceivers) on City-owned vehicles to help improve the driving behaviors of City vehicle operators and reduce collisions. Data collected from the CANceivers includes speed, hard braking or accelerating, and seatbelt use. Over 16,000 units have been installed to date.

Human Capital: The Human Capital Line of Service provides Civil Service administration for approximately 223,000 City workers in both mayoral agencies and other governmental entities. Our core belief is that we can provide world class services to our constituents in an atmosphere of equity, inclusion, and increased opportunity for professional growth. We are collaborating with agencies, labor unions, and the City Council, as we move forward with an aggressive agenda to strengthen the Civil Service system.

On February 7th and 8th, we administered the largest civil service examination in over 20 years, the Sanitation Worker Exam, to 75,000 candidates. Human Capital also develops and administers approximately 100 civil service exams annually, provides professional development and training to approximately 20,000 City employees and processes personnel transactions through NYCAPS Central.

This line of service also continues to oversee the City's Provisional Reduction Program as mandated by the New York State Civil Service Commission. Under the Plan Extension, DCAS will address up to 8,600 provisional appointments over the next two years by administering 37 exams in addition to our regular exam schedule and evaluating titles with 20 or fewer incumbents for potential classification actions.

Asset Management: DCAS's Asset Management Line of Service provides safe, clean, and efficient office space for the City's workforce through our management of 55 public buildings, with 15 million square feet of owned space and over 22.4 million square feet of leased space. We also purchase, sell, and lease real property, and locate and secure space for City agencies, with a focus on more efficient use of office space as an important cost-saving action. Asset Management is also committed to examining existing city-owned spaces and developing a plan for how these buildings can be better utilized to improve the delivery of City services.

Communications: Our Communications Line of Service produces the City Record, the official journal of the City of New York. It is published each weekday except legal holidays and contains official notices such as public hearings and meetings; procurement bid solicitations; selected court decisions; and bid awards. DCAS is working on making this information digitally searchable on our website within 24 hours

of publication. In addition, all City Record data will be available to the public via the Open Data Portal. This initiative is on schedule to go live in August of 2015.

Purchasing: The Citywide Procurement Line of Service purchases, inspects, and distributes supplies and equipment at the lowest net cost. DCAS purchases \$1.2 billion annually in goods and services for the City, through approximately 1,000 citywide requirement contracts and one-time purchases. We leverage the City's purchasing power to obtain the most competitive pricing for goods and services by aggregating demand and consolidating contracts. DCAS seeks to maximize M/WBE vendor participation by conducting outreach and regularly representing the agency at vendor fairs. Currently we are administering a citywide economic and environmental initiative, *NYC PrintSmart*. The goal is to reduce the number of copying machines rented by the City and replace them with fewer centrally located multi-functional machines.

Citywide Diversity & EEO (CDEEO): The Citywide Diversity and EEO Line of Service is responsible for ensuring that City agencies comply with the City's EEO Policy, and the City Charter provisions and laws concerning equal employment opportunity. Through strategic alliances with Agency Personnel and EEO Officers, where we promote collaboration and best practices, we have focused on establishing a model for effective diversity and inclusion strategies. Each year Commissioners submit

annual diversity and EEO plans, establishing their own accountability which we measure quarterly.

DCAS EXPENDITURES

DCAS' expense budget reflects funding of \$1.2 billion in the current fiscal year and FY16. Included in this funding is our budgeted headcount of 2,046 in the FY15 and 2,042 in the upcoming fiscal year.

The majority of our planned expenditure – \$784 million in both FY15 and in FY16 – is allocated for citywide energy expenses. DCAS continues to work with OMB on the FY16 forecast, and will report any changes in the Executive Budget. As previously mentioned, DCAS continues to work closely with agencies Citywide to enhance the energy performance of their facilities through a range of programs, which include retrofitting equipment, improving operations and maintenance, and training and outreach to reduce the City's energy costs.

FUNDING ADDITIONS TO DCAS

I would now like to discuss the major Expense Budget Adjustments for citywide initiatives that are included in the FY16 Preliminary Budget.

- Fleet received \$700,000 for the Truck Guard Pilot Program as part of the Vision Zero Program. As mentioned, the goal of this pilot program is to install truck guards on 240 City owned trucks over 10,000 Gross Vehicle Weight (GVW) in calendar year 2015.
- Energy Management received incremental OTPS funding totaling \$36.0 million across FY15 and FY16 for the implementation of the One City, Built to Last Initiative. The additional funding will be used to expand ongoing energy efficiency programs that are not eligible for Capital Funds. This includes compliance with Local Law 87 of 2009, which mandates energy audits and retro-commissioning for buildings exceeding 50,000 square feet. Through FY 2014, we completed 315 Energy Efficiency Reports for firehouses, public libraries, schools, and other City buildings across more than a dozen City agencies. In FY 2015, we have 217 Energy Efficient Reports in progress with more than 300 planned for FY 2016.
- DCAS received funding for 18 positions at an annualized value of \$1.5 million to support the expansion of energy programs under One City, Built to Last. The Personnel Service funds will be used to hire energy engineers, project managers,

and analytical staff, as well as legal, contract, and other support staff to assist agencies in meeting the goals of One City, Built to Last.

- Human Capital received \$500,000 for 6 positions needed for the creation of two new units, the Office of Citywide Recruitment and the Office of Workforce Planning. Both units will play a major role in the shaping of the City government's future workforce.
 - The Office of Citywide Recruitment will build upon current relationships with high schools, colleges, universities, trade schools, and non-profits. Staff will also expand recruiting efforts by providing extensive outreach and communication to underserved and underrepresented communities. The Office will participate in job fairs and community based activities to notify prospective job seekers about employment opportunities and Civil Service exams. Where feasible, the Office will conduct site-visits, host targeted recruitment events and create internship opportunities.
 - The Office of Workforce Planning's goal will be to provide in-depth analyses of the City's current workforce and develop an array of business intelligence tools and predictive models allowing agencies to better

understand their workforce and develop best practices on how to deal with issues such as succession planning, as well as providing data to develop a marketing and recruitment strategy to establish a pipeline of prospective applicants for City agencies.

- Human Capital received \$800,000 that will be used to create 173 additional stations at the two existing Computerized Testing Centers in Manhattan and Brooklyn. Once completed, the total number of workstations for test takers will be 386.
- Human Capital also received \$1.0 million to assist staff in the development of Civil Service examinations such as Administrative Staff Analyst, Administrative Manager, Fire Lieutenant, Fire Captain and the Computer Specialist Software, a key component of the provisional reduction plan.
- Information Technology received 5 positions and \$500,000 that will allow DCAS to bring in-house the maintenance and enhancement of the Electronic Exam Item Bank. One of the goals of the enhancement is to increase the type of exams that can be administered at the Computerized Testing Centers rather than at schools during the weekend.

- Information Technology also received funding for 4 positions and \$600,000 to create the Computerized Maintenance Management System which will assist Asset Management in providing better and timelier maintenance at our buildings. This will include a work order system that will provide timely notification of facility issues and an inventory system that will allow staff at each of the buildings to monitor supply levels. This system will also help Asset Management develop a preventive maintenance program to identify building and equipment issues and correct them prior to a major system failure, avoiding costly repairs.

DCAS REVENUES

The total DCAS revenue budget is \$61.6 million in FY15 and \$60.2 million in FY16.

- Our largest source of recurring revenue is from 460 leases for commercial rentals of City-owned property, projected to be \$42.0 million in both Fiscal Years.
- Another significant revenue source is the sale of surplus vehicles and other City owned equipment totaling \$6.9 million in both Fiscal Years.

DCAS CAPITAL

I will now turn to the DCAS capital plan, which totals \$932 million together for FY15 and FY16. DCAS is undertaking a number of major construction, equipment, and energy conservation initiatives. Highlights of our program include:

Vision Zero Fleet Projects: DCAS continues to implement a capital project for \$6.75 million to complete a citywide rollout of the EJ Ward fuel tracking system. This rollout includes CANceiver units for each vehicle that will download vehicle engine information including speed, idling, braking, seatbelt operation, acceleration and location information. This system will greatly enhance our understanding of driver habits and the ability to analyze and prevent collisions. Additional funding of \$4.2 million has been added to the January Plan to upgrade older CANceiver units and fuel terminals already being used in NYPD vehicles. In addition to improving fleet safety, this system is an important part of our citywide fuel emergency plan helping agencies to share and optimize fuel resources in an emergency.

Energy Conservation and Clean Energy Projects: There is a combined \$262.0 million in capital funding in FY 15 and FY16 allocated for citywide energy conservation and clean energy projects. Projects include lighting upgrades, occupancy sensor installations,

high efficiency motor installations for mechanical and plumbing systems, building controls, and clean energy installations.

Sandy Equipment Citywide Purchase: DCAS received \$22.0 million in capital funds for additional emergency and storm related equipment for use by City agencies. DCAS has placed orders for 35 fuel trucks and is completing contracts for generators and forklifts.

DCAS City-Owned Capital Construction: DCAS' capital construction program for city-owned buildings in FY15 and FY16 totals \$548.5 million. Major projects include:

- The relocation of housing and civil court parts from leased space at 141 Livingston Street to 210 Joralemon Street.
- An interior renovation of 345 Adams Street in Brooklyn to relocate agencies from 210 Joralemon Street.
- An upgrade to the sprinkler system at 360 Adams Street in Brooklyn.
- An upgrade to the fire alarm system at 253 Broadway.

- New elevators at the Queens Supreme Court at 88-11 Sutphin Boulevard in Jamaica.

Construction to Support the Civic Center Program: DCAS has allocated \$44.0 million for ongoing work to renovate office space for tenants relocating from 346 Broadway and 49-51 Chambers Street. Sites include:

- 1 Centre Street, which includes the relocation of the NYS Office of Court Administration's, Summons Arraignment Part Court to the 16th floor.
- The Dept. of Education, Parks and Recreation, Grow NYC, and Trees NY, to the 3rd and 4th floors of 100 Gold Street.

Leased Space Construction Projects: The DCAS capital program for the construction and outfitting of leased space in FY15 and FY16 totals \$77.0 million. Projects include:

- The relocation of the Department of Finance from 210 Joralemon Street and 345 Adams Street to space that has yet to be identified.

- The relocation of the Taxi and Limousine Commission and the Office of Administrative Trials and Hearings from 32-02 Queens Boulevard to 31-00 47th Avenue in Long Island City.
- A consolidation of offices for the Office of Payroll Administration to 450 West 33rd Street.

CONCLUSION

Thank you for this opportunity to testify about the Department of Citywide Administrative Services' planned expenditures and revenues for FY15 and FY16 as well as our capital commitment plan. I would be pleased to take any questions at this time.

City Council Statement
March 19, 2015

Introduction:

Good afternoon Chair Kallos and distinguished Members of the Government Operations Committee. It is a pleasure to come before you to discuss the Law Department's fiscal year 2016 Preliminary Budget.

Over the past year, I have been engaged with Law Department staff on numerous individual matters with enormous liability, policy and operational implications for the City and its constituent agencies. Some of these matters involve public safety. Others involve the City's contractual relationships with various service providers. Still others raise important issues concerning access to services. On every occasion, I have never failed to be impressed by the professionalism, hard work, depth of knowledge and expertise and dedication of our lawyers and the extraordinary staff, that supports them.

Ultimately, our mission is to vigorously defend the legal interests of the City with an appreciation for the importance of fair outcomes to public confidence in City government.

The Corporation Counsel is the attorney for the City and its agencies and has responsibility for all litigation and other legal matters involving the City. The Department employs approximately 730 attorneys and 630 support staff. Let me add that of our 730 attorneys approximately 21% are persons of color and 58% are women.

The Law Department consists of sixteen legal and three support divisions. We handle an extraordinary array of cases and non-litigation matters: from tort to tax, from environmental and administrative issues to economic development and municipal financing. We also represent the City as plaintiff in a wide variety of affirmative matters.

Our total proposed appropriation (PS and OTPS) for fiscal year 2016 is \$171,584,437. Our proposed fiscal year 2016 headcount is 1,460.

Litigation:

The volume of litigation matters pending against the City presents a substantial challenge. The Torts Division alone defends some 20,000 cases currently pending against the City, its agencies and employees. Approximately 7000 cases are filed against the City each year. Approximately 6000 cases are resolved each year by trial, motion practice and settlement. The Tort Division secured approximately 1000 dismissals by motion.

While claims for monetary damages represent the lion's share of cases pending against the City, substantial resources are devoted to the defense of cases demanding injunctive relief, most often seeking operational reforms of agency practices. Where we determine that such claims are without merit, we oppose them vigorously. However, where a claim brings to the City's attention operational issues in need of correction or reform, we use our resources to assist

our agency clients in making necessary operational changes, thereby reducing future liabilities and serving the public more effectively.

In addition to defending claims against the City, the Law Department prosecutes claims to advocate the City's fiscal, commercial and policy interests. Our Affirmative Litigation Division brought aggressive, effective litigation against traffickers of untaxed cigarettes, not only protecting an important revenue stream, but public health. Our Appellate Division submitted amicus briefs on marriage equality, immigration, and environmental protection.

Family Court Division:

Our Family Court division balances the dual goals of serving the best interest of the child brought before the court and ensuring community safety. Last year, the Division's Juvenile Delinquency Prosecution Unit handled approximately 4,600 juvenile delinquency cases.

In anticipation of the State Legislature's possible passage of the "Raise the Age" bill in the coming weeks, we are already planning the expansion of our Delinquency Unit to accommodate the added population of 16 and 17 year old juveniles to Family Court caseloads.

Our work with City Council:

Over the past year, the City Council, with our support, has produced a host of groundbreaking legislative achievements, which have improved the lives of millions of New Yorkers. Together, we tackled income inequality by developing legislation to extend paid sick leave to half a million more New Yorkers. We assisted the Council's efforts to protect the rights of transgender New Yorkers, who no longer must prove that they had surgery in order to change their sex designation on their birth certificates. We partnered with the Council to protect the rights and wellbeing of immigrant New Yorkers through the development of the new municipal ID program and by placing reasonable limits on the City's cooperation with needless detentions and deportations. We look forward to building upon these successes and continuing to support the City Council's efforts in the coming year.

Organizing to Enhance Client Agency Service:

We look forward to deepening our existing relationships with City agencies. To that end, we've created agency liaison teams within the Law Department to provide more effective, efficient and proactive service to our City agency clients.

With the additional resources we have requested, we will aggressively litigate patently frivolous police cases, saving public funds and discouraging litigation.



CITY OF NEW YORK

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Christine Berthet
Chair

Jesse R. Bodine
District Manager

**Testimony before Committee on Government Relations
Thursday, March 19, 2015
FY16 Preliminary Budget**

Good afternoon Chair Kallos, and the fellow members of the Committee on Governmental Operations. My name is Jesse Bodine and I have only just recently become part of the elite group known as District Manager of a Community Board. I have the privilege to serve as District Manager for Manhattan Community Board 4.

First let me state that as a representative of the Manhattan District Managers we are relieved that we are not here opposing proposed cuts to our budgets as was the case in past years. As you know the Community Board's over-all budgets will be \$229,895 for FY 2016 which includes the increase to DC37 employees and the most recent managerial personal orders. District Managers had not received a raise in pay since 2008 and I want to express our gratitude to the Council for their support and your acknowledgement of our hard work.

These increases are appreciated; however, let me remind you the responsibility of the community boards in this city. For most people who live and work in this city the Community Board is the gateway to the municipal government. Everyone from the wealthiest land development corporation to the small mom and pop business need to come through our doors in some way if they plan to work within the city bureaucracy. Community Boards by law are required to review and make recommendations related to land use, licensing, transportation planning, and waterfront uses. Community Boards also must participate in the budget process and the capital program. Community Boards are responsible for maintaining communication with the people of the district and consistently conducting board business in a transparent process. In addition, Community Boards are many times a city resident's initial resource to resolve housing problems, mitigate quality of life issues, and managing inter-agency coordination. The community board is the main resource for the city agencies and elected officials to obtain consensus on issues that have serious repercussions. As you know, this is all done by each of the 59 Community Boards with a staff of 2-4 people and 50 volunteers, most of which have day jobs. We are an extremely utilized agency with the smallest budget in the city and probably the best value for the city.

I will highlight two requests that have a serious impact on how community boards operate.

OTPS Increase

Community Boards have not received an inflator to the OTPS budget since 1990. Community Boards continue to become more technical in nature; which results in increased network system maintenance costs, IT consulting services, and other needed technological infrastructure updates. In addition, due to

software such as GiS and Adobe, and Sketch up, Community Boards have been able to take even more of a lead in planning their own community. This software, its licensing, and the training is not inexpensive. These operational funds are fundamental for Community Boards to actively participate in the planning of their own neighborhoods and not be beholden to architects, planners, and attorneys hired by private developers.

OMB Staff Needs

The second request is secure funding for the Mayor's Office of Management and Budget staff. Most recently 3 staff members whose responsibilities include assisting Community Boards during the budget process and throughout the year have left. This loss has a significant impact on Community Boards ability to conduct day to day operations, budget for the remainder of the year, and even comment on something like the Mayor's preliminary budget. I do want to thank both Lester Siegel and Eileen Galarneau who are currently at OMB for their continued support and assistance.

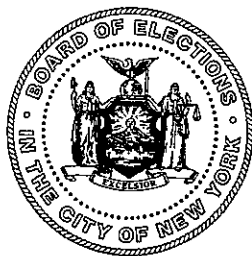
In closing, I want to thank you for your attention and look forward to working with you in the future.

MICHAEL MICHEL
PRESIDENT

BIANKA PEREZ
SECRETARY

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JOHN FLATEAU, Ph.D.
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Testimony of Michael J. Ryan, Executive Director Board of Elections in the City of New York

Committee on Governmental Operations Council of the City of New York

Fiscal Year 2016 Preliminary Budget

March 19, 2015

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

Joining me here at the table is the Board's Deputy Executive Director, Dawn Sandow.

Also present at today's hearing are the Board's:

- Administrative Manager, Pamela Perkins
- Operations Manager, Georgea Kontzamanis
- General Counsel, Steven H. Richman, Esq.
- Deputy General Counsel, Raphael Savino, Esq.
- Finance Officer, Gerald Sullivan
- Director of Communications and Public Affairs, Valerie Vazquez
- Director of Electronic Voting Systems, John Naudus
- Director of Management Information Systems, Steve Ferguson
- Training Specialist, Stephen Thompson
- Financial Analyst, Stanley Bailey
- Financial Analyst, Conway Churaman

FY'15 Highlights

Before I begin discussing the Mayor's Preliminary Budget for FY16, I would like to thank the City Council and the Mayor for providing the necessary funding to the Board in FY15 to meet its Constitutional and statutory mandates as well as the needs of the Voters of the City of New York.

I would like to take a few moments to highlight some of the accomplishments of the Board in FY15 that this funding made possible.

The Board has taken positive steps to improve the voters' experience at the Poll Site. These steps include:

Expediting the Processing of Voters

- ending the use of voter cards
- alphabetically tabbed poll books
- listing voter's age in the poll book

Improving the Ballot Design

- limiting ballots to a maximum of three languages to increase font size and readability

Enhancing Voter Privacy

- utilizing larger privacy screens on the scanners
- improved ballot privacy sleeves
- allocating additional training time for poll workers emphasizing the importance of voter privacy

Additional Highlights:

The Board has reviewed document retention standards for all categories of documents required to be kept and maintained. This comprehensive review has resulted in the Board's ability to dispose of documents that were previously kept beyond statutory retention requirement timeframes (Voter Registration documents are preserved electronically). To date, the Board has recycled 136 tons of paper by disposing of voter registration documents in accordance with the New York State document retention

schedule. This disposition of documents has allowed the Board to recapture over 10,000 square feet of space in our facilities for other vital functions.

In the November 2014 General Election, the Board successfully conducted a pilot to transmit Unofficial Election Night Results directly from over 200 Poll Sites using handheld electronic tablets. This effort represents a significant first step in speeding the posting of the unofficial election results to the Board's website for public viewing and providing results to the New York State Board of Elections and the media.

To meet poll worker staffing needs, the Board proactively utilized an automated calling service to recruit potential poll workers by contacting registered voters in areas where vacancies were anticipated. The Board successfully recruited over 1,500 poll workers.

In May 2014, the Commissioners voted to modernize the timekeeping system by ordering the implementation of CityTime agency-wide. The Board worked closely with the Office of Payroll Administration (OPA), the Financial Information Services Agency (FISA) and the Department of Information Technology and Telecommunications (DoITT) to establish an implementation schedule and develop training. The first offices went live in August 2014 and successive locations were added in accordance with the established schedule. As of the first week of February 2015, all Board personnel are utilizing CityTime.

To improve leadership and efficiency, all Board managerial and supervisory staff attended an intensive three day training program given by the Department of Citywide Administrative Services (DCAS). This training was tailored for the specific needs of the agency, to improve employee evaluations, productivity, promote effective communication, and delegation of responsibilities. The Board plans to continue working closely with DCAS to develop an ongoing process and curriculum to further our goal of ever improving managerial ability.

To assist the Board in maintaining accuracy of the voter registration list, the Board subscribed to the Social Security Death Master File Index in 2014. The Board worked closely with the New York State Board of Elections and the New York City Department of Health and Mental Hygiene to ensure

timely transmission of city death records directly to the statewide voter registration list.

For the 2014 General Election, the Board utilized a feature of its Electronic Voting System which identifies those ballot images that contain potential write-in votes. This reduced the number of ballots manually reviewed by Board staff by 98%.

The Board initiated a sealed competitive bid process for the procurement of ballots used on Election Day. As a result of this process, the Board anticipates realizing a substantial reduction in ballot printing costs as well as providing built in vendor emergency back-up.

In our continued efforts to utilize the latest technological developments in the election industry, the Board has purchased high-speed printers to enable the printing of Absentee, Special, Military, Presidential and Federal ballots in each borough, as they are needed. These Ballot on Demand printers will increase ballot management efficiency and result in further ballot printing savings.

FY'16 Overview

In FY16, the Board foresees conducting as many as four Citywide election events including a State and Local Primary (2015), General (2015), Presidential Primary (2016), and Federal Office Primary (2016). Offices included in these Elections are District Attorney, Civil and Supreme Court Justices, Presidential Candidates, Delegates to the National Conventions, and all members of Congress along with numerous party positions. As always, the potential for special elections remain.

The Board contracted with the nationally recognized Election Center to analyze the current poll worker training program and recommend improvements based on best practices and successful techniques from across the country. The Board intends to implement recommendations made prior to the 2016 Presidential Election. The Board has worked closely with Election Center to compress the original contract timeframe from three years to two years to accomplish this goal.

In accordance with Orders entered in the U.S. District Court for the Southern District of New York, the Board anticipates significant additional expenditures in FY16 related to improving Poll Site Accessibility. This includes contracting with the Court-appointed third-party surveyor to conduct surveys for all (over 1200) Poll Sites citywide. These surveys conducted in accordance with the Americans with Disabilities Act (ADA) guidelines, will identify barriers to the free and independent exercise of the franchise both inside and outside the poll sites, along with recommended remediation of any barriers.

FY16 Budget Projections

The Board has analyzed recent budgets and identified two fiscal year budgets with similar challenges facing the Board in FY16. FY16 is comparable in the size of events and needs to both FY12 and FY14. The projections herein are predicated on the restoration process in the Executive Budget consistent with the average of those two fiscal year budgets. Therefore, the Board has limited its request to those new needs which will be required to conduct Elections throughout FY16.

The Board projects an FY16 budget of \$144.8 Million, which represents a \$12.3 Million increase over the Current Modified Average of FY12 and FY14 in the amount of \$132.5 Million.

Personal Services – Poll Workers

As the Court mandated site survey process moves forward, the Board anticipates that additional Poll Workers will be required to ensure all poll sites are barrier-free on Election Day. The Board anticipates providing additional specific accessibility training to all poll workers.

Based on the anticipated four citywide election events, the Board requires an additional \$4.8 million over the \$31.8 million current modified average for additional poll worker costs to meet the federal court mandates.

Other Than Personal Services

The Board's analysis shows that an additional \$7.5 million is required in the OTPS allocation over the \$66.8 million current modified average. With this additional funding, the Board's OTPS budget will provide for extended warranties on the Electronic Voting Systems as the initial statutory warranties have expired, costs associated with contracts for the court-mandated third-party surveyor and the professional installation of accessibility equipment for election events.

Conclusion

In order to enhance the Board's ability to recruit and retain qualified poll workers, the Board renews its request for a modest increase in compensation by \$100 per poll worker per election event. This would result in a \$3 Million increase per event.

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 the additional funding requests will enhance its ability to serve the voters of the City of New York. 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 we are always available if anyone should need further information.

Board of Elections in the City of New York FY'16 Preliminary Budget Testimony

Presented by:

Michael J. Ryan, Executive Director

Dawn Sandow, Deputy Executive Director



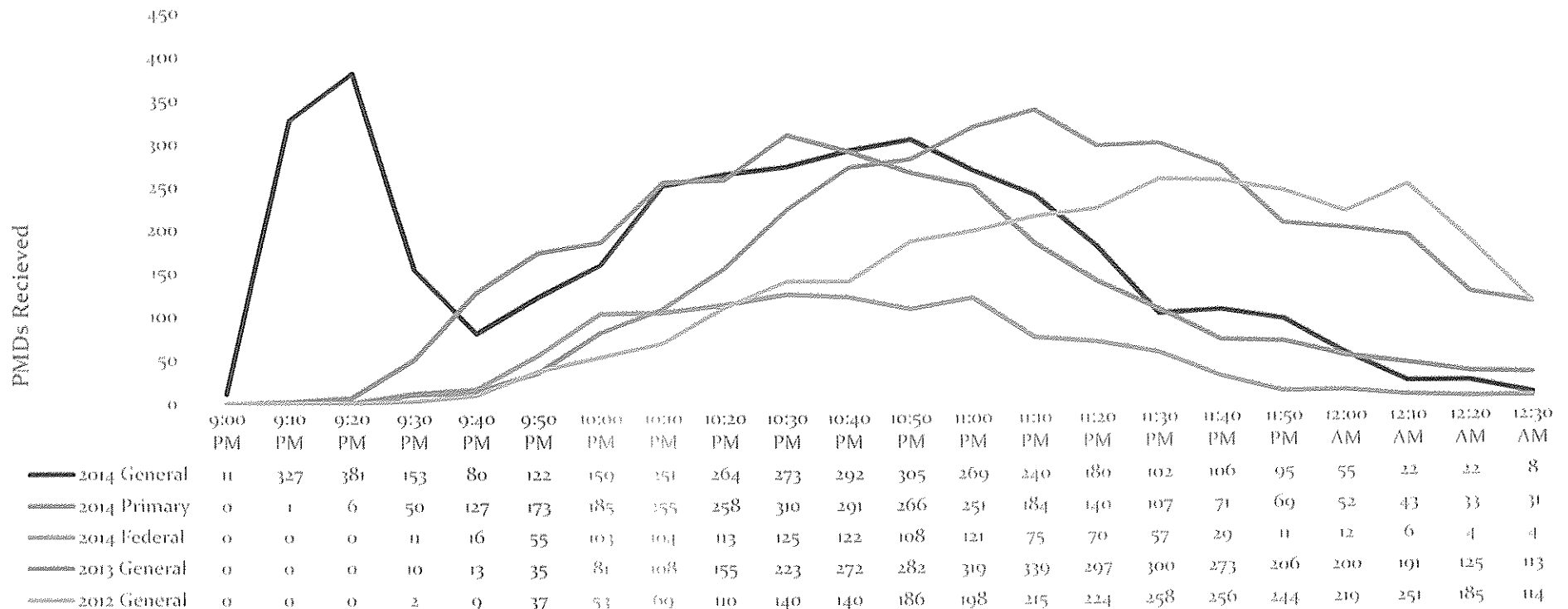
FY'15 Highlights

- Expediting the Processing of Voters
 - Elimination of Voter Cards
 - Improved Poll Books including Tabbed Pages and Voter's Age
- Improving Ballot Design
 - Tri-lingual Ballots
- Enhancing Voter Privacy
 - Larger Privacy Sleeves and Screens
 - Privacy Screens made 3 inches higher and 5 inches wider to improve Voter's privacy
 - Reinforced Voter Privacy and Accessibility in Poll Worker Training

Additional Highlights

- Modernized Retention of Voter Registration Forms
- Poll Site Unofficial Election Night Results Pilot

ENR Time Series Compared





Additional Highlights

- Automated Calls to Recruit Poll Workers
- CityTime Implementation
- Managerial Leadership Training
- Voter Roll Maintenance
- Write-In Filtering Technology
- DCAS Competitive Bid Ballot Printing Contract Process
- Ballot on Demand



FY'16 Overview

- Election Events
 - State and Local Primary (2015)
 - General (2015)
 - Presidential Primary (2016)
 - Federal Office Primary (2016)
 - Any Special Elections required by Law
- Implementation of Independent Election Administration Consultant Recommendations
- Compliance with Federal and State Poll Site Accessibility Mandates

FY16 Budget Projections

Board of Elections Financial Summary

<i>Dollars in Thousands (000)</i>	FY12	FY14	Curr. Mod.	FY16	FY16
	Curr. Mod.	Curr. Mod.	Average	Projected	New Need
Personal Services	\$61,019	\$70,517	\$65,768	\$70,513	(\$4,745)
Staff - Permanent / Provisional / Temp	\$31,236	\$36,801	\$34,019	\$34,019	
Poll Workers	\$29,783	\$33,716	\$31,750	\$36,494	(\$4,745)
Other Than Personal Services	\$62,143	\$71,366	\$66,755	\$74,286	(\$7,532)
Total	\$123,163	\$141,883	\$132,523	\$144,800	(\$12,277)

*Comparison of two similar fiscal years
with 4 election events*

Personal Services – Poll Workers

Board of Elections Financial Summary

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- Additional Accessibility Clerks
- Additional Accessibility Training for Poll Workers
- Assumption: All events in FY16 will be Citywide

Other Than Personal Services

<i>Dollars in Thousands (000)</i>	FY12	FY14	Curr. Mod.	FY16	FY16
	Curr. Mod.	Curr. Mod.	Average	Projected	New Need
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- Electronic Voting System Annual Maintenance
- Federal Court ordered Third-Party Poll Site Accessibility Surveys
- Professional Installation of Accessibility Equipment as Required by Court ordered Surveys

Conclusion

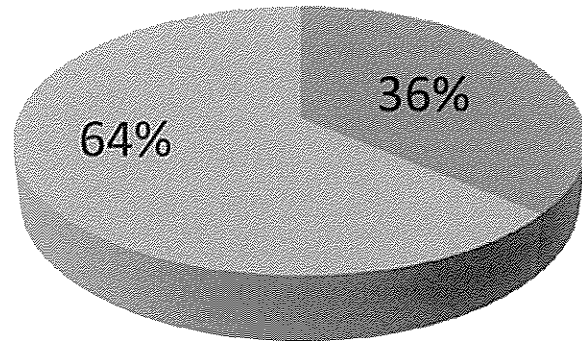
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***Comparison of two similar fiscal years
with 4 election events***

2013 Comparison of County and Non-County Poll Workers

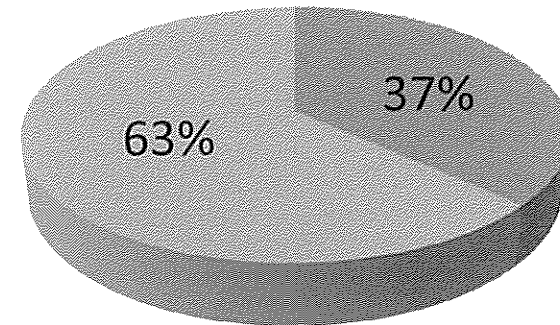
Primary Election



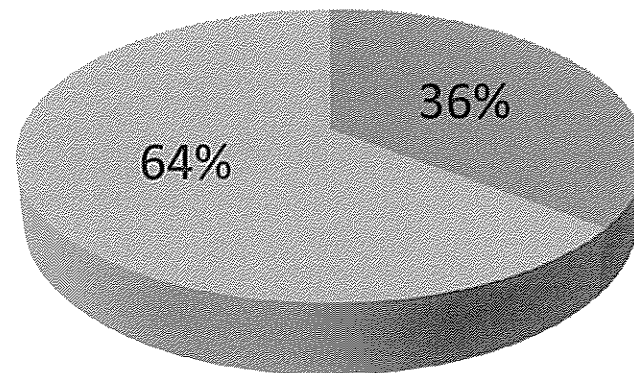
■ County

■ BOE

Primary Run-off

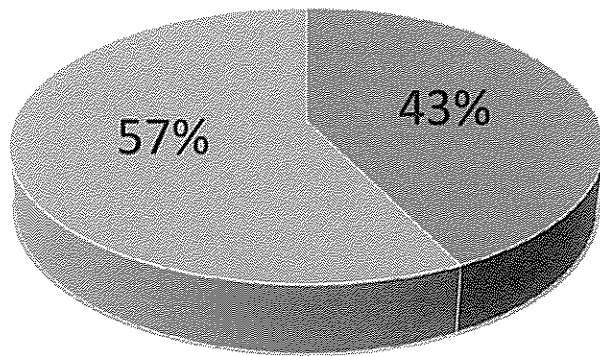


General Election

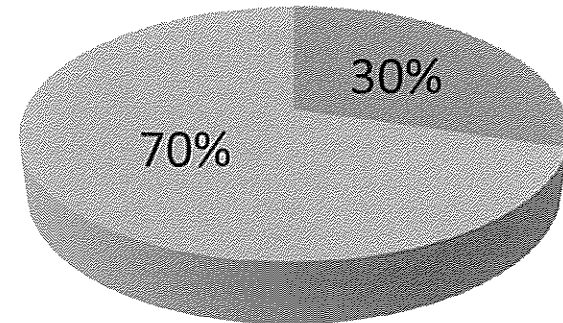


2014 Comparison of County and Non-County Poll Workers

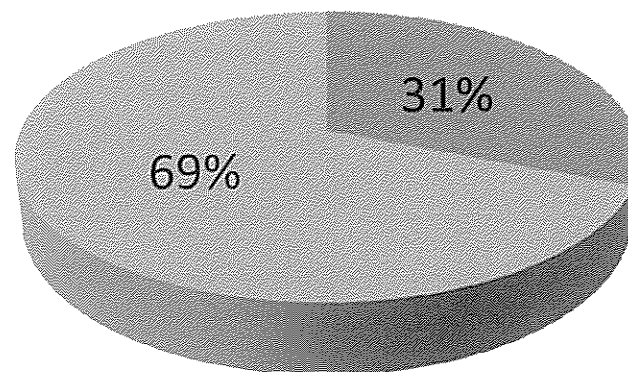
Federal Primary



State Primary



General Election



■ County
■ BOE



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the New York City Council Committee on
Governmental Operations on the Preliminary FY 2016 Budget and
the Mayor's FY 2015 Preliminary Management Report
March 19, 2015

Good morning, Chairman Kallos and members of the Governmental Operations committee. My name is Peggy Farber, and I am legislative counsel of Citizens Union, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. We serve as a civic watchdog, combating corruption and fighting for political reform.

The budgeting process presents an important opportunity in a vibrant democracy such as New York City's to take a good look at executive agencies being funded by the government – both the level of funding and the substance of what they do. Citizens Union has short comments related to the funding of three agencies under review today, the Department of Records and Information Services, the city's community boards, and the city Board of Elections.

Department of Records and Information Services

The Department of Records is a comparatively small agency with a budget under \$6 million. The mayor's preliminary FY 2016 budget appropriates \$5.72 million, and seeks funding to add two staff members, a project manager and an IT developer, to plan and develop an Open FOIL platform. As you know, Chairman Kallos, the idea of Open FOIL is to create a centralized, automated, online process for submitting, tracking and responding to Freedom of Information Law requests, and – as importantly – for making the content of requests and responses public, while fully protecting personal privacy.

Open FOIL is a money saver. Based on the experience of the federal government, which has established a model, automated, Open FOIL portal, New York City agencies would save an estimated \$14 million a year with a fully functioning Open FOIL platform. The savings come from the elimination of processing costs and duplication.

But savings are not the only, or even most important, reason an Open FOIL portal is so vital. It is also way to fulfill the strong mandate captured by the New York State Legislature's declaration introducing the FOIL statute: "The legislature hereby finds that a free society is maintained when government is open and responsive to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government. The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society."

An Open FOIL platform advances this goal by making it much easier for the public to track requests and responses and to see what has been made public. Accordingly, Citizens Union strongly backs the effort

to put the requirement of an Open FOIL portal into law, specifically, Intro No. 328, the Open FOIL bill introduced by Chairman Kallos and others on behalf of Manhattan Borough President Gail Brewer. While we welcome the efforts of the mayor's office to create an Open FOIL portal without legislation, as an administrative matter, we think **codification in the law is necessary to protect the project against the ever-present risk that mayors in the future will not maintain the city's commitment to the project.** This is a minimum requirement in today's world.

The Community Boards

Community boards are building blocks of democratic planning in New York City, and a vital place for local participation by New Yorkers. The boards are the first rung of decision making in the city's planning process on the issues that make for a livable city – land use, business permits, street closings, and city budgeting for local projects of all kinds. Their role in the life of the city is mandated in the City Charter.

Citizens Union believes that community board budgets should be independent of the city's political branches and should not be decided at the discretion of the mayor or the city council, which can reduce community input by cutting community board budgets. Rather, their budgets should be linked by formula to the borough president budgets, which, in turn, should be linked by formula to the city council's budget. **Citizens Union recommends setting the budget of community boards at 65 percent of the borough presidents' budgets, with each board receiving an equal amount, in addition to revenues for offices, electricity and heat, which would still be determined through the regular budget process.** It should be noted that Citizens Union also supports independent budgeting for the borough presidents.

The adjusted total allocation for borough presidents in FY 2015 was \$25.9 million. Applying the 65 percent rule to that number shows that it's a reasonable metric for determining community board allocations. Sixty-five percent of \$25.9 million is \$16.8 million. This is in line with but slightly greater than the community boards' total allocation in FY 2015, which was \$16.1 million.

The Board of Elections

For FY 2015, the city adopted a budget anticipating a \$111 million appropriation for the New York City board of elections. City taxpayers would provide roughly \$109 million – over 98 percent, and state taxpayers about \$2 million. After mid-year modifications, the actual appropriation for this fiscal year was \$114 million. Yet, the mayor's preliminary budget for FY 2016 proposes a substantially smaller budget, \$84 million, a decrease of \$29 and a half million. \$84 million would be the lowest budget adopted for the Board of Elections in nine years.

Board of Election budgets adopted at the start of the fiscal year have been in the \$90 to \$100 million range since 2008, and the modified budgets have been \$96 million and above since FY 2010, reaching nearly \$130 million and over \$140 million in FY 2012 and FY 2014 respectively. Although the city will not have elections this coming November, the second half of FY 2016 will be part of the presidential election year, with two primaries – the presidential and the federal primaries – occurring before the end of the FY2016 fiscal year. **Citizens Union believes the board must be fully funded for it to do the incredibly**

important work of running elections, and asks the City Council to be certain that there is sufficient funding in the budget for the coming year.

Citizens Union is concerned about accountability as well as sufficient funding levels and, in particular, has been a strong advocate of much greater transparency at the Board of Elections. We are pleased that the board's annual report reflects many of our recommendations. The most recent report, for 2013, contains valuable details about a range of matters the board handles, from the number of petitions filed and challenged, to the number of board determinations upheld by the courts, to the number of poll worker applications and the number of applications received from district leaders, to the number of votes being cast via machine and paper ballots.

At the same time, the board is not reporting much data in the FY 2015 Preliminary Mayor's Management Report. There is some ambiguity about the board's obligation to report to the city in the MMR because the board is regulated by state law. But it is funded almost exclusively by the city. The MMR is a valuable tool for holding agencies accountable as it gives the public a means to measure an agency's performance against key goals and measurements, which are set forth in the report as targets. The MMR sets forth no targets at all for the Board of Elections, which we think is a wasted opportunity. Compare this to other agencies. The city's department of buildings, for example, also a \$100 million agency, is subject to multiple targets in the MMR. The MMR identifies twelve days as the number of days, for example, it should take the department to complete an initial plan review for new buildings. Looking at the MMR, the public can see that the department has not hit the target once in the last three years and is not on target to hit it this year.

Because the MMR is an important accountability tool, **Citizens Union supports efforts to amend the city charter to require the board to report its performance to the city on key goals and measurements – including setting targets – as embodied in Intro No. 302 (Lander).** The collection and analysis of performance statistics from other city agencies has provided needed transparency on the use of New York City funds. We think the mechanism should be applied to the City Board of Elections, too.

Citizens Union thanks you for holding this hearing today, and I welcome any questions you may have.

THE OFFICE OF PAYROLL ADMINISTRATION

Committee on Governmental Operations

March 19, 2015

Good morning Chairperson Kallos and members of the Committee on Governmental Operations. My name is Roy Mogilanski and I'm the Acting Executive Director of the Office of Payroll Administration (OPA).

Joining me today is Mohamed Hafeez, the Deputy Executive Director of Administration, Neil Mathew, the Deputy Executive Director of Payroll Operations, and Gerri Stepanek, Deputy Executive Director of Citywide Systems and Support.

The portion of the Mayor's Preliminary Budget that pertains to OPA will allow OPA to maintain its current levels of service. The budget provides OPA with the necessary resources to support employee and retiree payrolls including the management and reconciliation of the city's payroll bank accounts. In furtherance of its mission, OPA maintains and enforces uniform payroll policies and procedures; coordinates payroll matters among City agencies, the NYC Housing Authority (NYCHA), and elected officials. OPA ensures the continued security, integrity, and effectiveness of the City's payroll systems as well as compliance with requirements of Federal, State, and City tax authorities, while using technology to the greatest possible advantage in support of its operations.

The following divisions carry out much of the activity related to the core mission of OPA:

OPA Payroll Operations

OPA manages the payroll check and direct deposit distribution to all City agencies. In calendar year 2014, over 9 million payments were made to active City employees. Over 7.7 million of these were direct deposit payments and over 1.7 million were paper checks. This reflects a direct deposit participation rate of 81.52%. OPA also funds 18 payroll related bank accounts.

In addition, OPA manages the retiree payroll distribution for the pension systems. In calendar year 2014, over 3.7 million payments were made to City retirees; over 3 million of these were direct deposit, and over 590,000 were paper checks. This reflects a direct deposit participation rate of 84%.

Paper check stop-payment notices and check replacements are processed by OPA. In calendar year 2014, 5,120 paper checks were replaced.

Use of direct deposit is promoted by OPA. Toward that end, the agency partners with seven financial institutions in the "Free Checking with Direct Deposit" initiative.

As part of its fiduciary responsibility, OPA is responsible for reporting wages, pension distributions, and withholding tax information to Federal and State taxing authorities. These entities include the City, NYCHA, NYC Municipal Water Finance Authority, NYC Retirement System Pension Trust (Pension Periodic), and the NYC Retirement System Trust (Pension Non-Periodic).

OPA ensures the City complies with ordered deductions that have been served upon City employees. Some of these ordered deductions include child support, Internal Revenue Service (IRS) tax levies/repayment agreements, creditor garnishment orders, higher education loan orders, and national medical support notices.

OPA is responsible for collecting and remitting City employees' voluntary payroll deductions and data including union dues, life insurance premiums and political dues to internal and external entities.

The City's Commuter Benefits program is administered by OPA. The expanded transit benefit program offers eligible employees the opportunity to use pre-tax and post-tax earnings to cover certain public transportation costs throughout the New York Tri-State area. As of the end of February 2015, more than 55,000 City employees were participating. In November 2014, the Program added the Premium MetroCard to the existing transit benefit options. The Premium MetroCard is an annual unlimited ride MetroCard that is accepted wherever the 30-Day Unlimited Ride MetroCard is accepted.

OPA Citywide Systems Support Services

This division's mission is to maintain and provide citywide agency support and training for use of OPA citywide systems, as well as support for use of internal OPA systems used by OPA's Payroll Operations Division. OPA is responsible for the business functionality addressed by eight (8) major citywide systems covering payroll, pension, and timekeeping functions. These systems include: Payroll Management System (PMS), Pension Payroll Management System (PPMS), Workers' Compensation System (WCS), CityTime, City Human Resources Management System (CHRMS); W2 Replacement and Correction System (RACS), Welfare Benefit Annuity System (WBAS), and EFORMS/ESTUBS. In addition to maintaining and ensuring that these systems meet business needs, OPA also provides support and help desk functions. This unit addresses agency questions and issues, and disseminates information pertaining to OPA citywide systems.

OPA's responsibilities cover a broad range of activities including business analysis, requirements gathering, validating payroll results, data assurance for tax filings, and troubleshooting system business issues. OPA assesses and makes system update recommendations based on changes to over 180 union agreements as well as legislative or other required business changes.

An important function of OPA's support services division is its proactive agency outreach. This approach focuses on assisting agencies with correcting transactions, recommending business process changes and communicating system updates to the user community. OPA also engages agencies to participate in software testing to ensure that software usability meets business needs.

Agency Budget Information¹

OPA has authorized full-time staffing levels of 203 for Fiscal Year 2015 and 203 for Fiscal Year 2016. OPA's total January Plan budget allocation for FY 2015 is \$28.6 million: \$17.1 million for Personal Services (PS) and \$11.5 million for Other Than Personal Services (OTPS). For FY 2016, the January Plan budget allocation is \$28.2 million: \$16.7 million for Personal Services (PS) and \$11.5 million for Other Than Personal Services (OTPS).

Thank you. I'll be happy to answer any questions that the Committee may want to ask.

¹ Agency payrolls are funded through their respective budgets; OPA's budget includes only OPA staff.

FINANCIAL INFORMATION SERVICES AGENCY

Committee on Governmental Operations

March 19, 2015

Good morning Chairperson Kallos and members of the Committee on Governmental Operations: my name is Roy Mogilanski, Acting Executive Director of the Financial Information Services Agency (FISA). I am joined at the table by Laura Badamo, Assistant Executive Director and Deputy General Counsel Legal and Business Services; Edward Fitzpatrick, Deputy Executive Director for Administration; Velu Pillai, Deputy Executive Director for Shared Systems; and, Peter Reddy, Deputy Executive Director for Financial Systems.

The portion of the Mayor's Preliminary Budget that pertains to FISA will allow it to maintain its current levels of service. The budget provides FISA with the resources it needs to support the citywide financial, payroll, human resources and timekeeping applications which it maintains for City officials who utilize them to carry out their charter mandated activities related to budgeting, financial planning, accounting, procurement, payroll, pension and personnel functions. FISA provides services to various entities through the operation and maintenance of major information systems such as the Payroll Management System (PMS), the Financial Management System (FMS), the Pension Payroll Management System (PPMS), the New York City Automated Personnel System (NYCAPS) and CityTime.

FISA provides technical expertise and support primarily to the Office of Management and Budget (OMB), the Office of the Comptroller, the Office of Payroll Administration (OPA), the Mayor's Office of Contract Services (MOCS), the Office of Labor Relations (OLR) and the Department of Citywide Administrative Services (DCAS). FISA ensures citywide system access and provides technical assistance to all agencies processing transactions in FMS, PMS, PPMS, NYCAPS and CityTime.

FINANCIAL INFORMATION SERVICES AGENCY

Today, the systems that FISA supports are utilized by tens of thousands of users in the performance of their duties on behalf of the people of our City.

Financial Management System (FMS)

The Financial Management System (FMS) supports the base functions required of a citywide budget and accounting system. FMS processes data for inclusion in the City's Financial Plans, Budget, Comptroller's Annual Statements and all required tax reports. In Calendar Year 2014, FMS generated approximately 690,000 disbursements valued at approximately \$45 billion dollars.

FISA would like to report a positive trend toward greater usage of Electronic Funds Transfer (EFT) by vendors and other payees receiving payments from the City. In calendar year 2010 approximately 41% of the City's total disbursements were made using EFT. Today, the EFT percentage has grown approximately to 69%. This greater use of EFT is due to a number of complementary initiatives such as City legislation by the City Council which makes EFT the preferred method of payment by agencies, a nominal paper check fee that has generated over \$1,400,000 for the City since the end of Fiscal Year 2011, and aggressive vendor enrollment activities.

FISA, working with DCAS and MOCS, continues to implement procurement improvement initiatives. A current effort is the roll-out of on-line order processing for selected contracts.

FISA, working with MOCS, is upgrading the Payee Information Portal (PIP) to include a new feature that allows users to self-identify their business as Veteran-owned, Minority-owned, Women-owned or as a Worker Cooperative.

FISA, working with the Office of the Comptroller, continues to implement initiatives to improve vendor interactions with the City. The initiatives currently in progress are the development of e-signature functionality for W-9 forms

FINANCIAL INFORMATION SERVICES AGENCY

submission and a set of usability improvements to the Payee Information Portal (PIP).

Debt Management System (DMS)

The Debt Management System (DMS) is the official repository of data pertaining to debt issued by New York City and the Transitional Finance Authority (TFA). The application is used by investment banks, bond counsel and City employees. The DMS application includes over 100 years of historical data. FISA completed the initial implementation and continues to maintain the application and apply enhancements as prioritized by DMS stakeholders. An enhancement is underway to DMS to include bonds issued by the New York City Municipal Water Finance Authority.

Payroll Management System (PMS)

The Payroll Management System (PMS) is the computerized application used to produce the City's payroll. PMS processes over nine million payments for the City's workforce annually by running over 300 pay cycles per year that produce payrolls valued at approximately \$28 billion dollars. FISA is working on several initiatives to move non-payroll functionality out of the Payroll Management System as part of the strategy to update the 30 year-old mainframe based system on which PMS runs. In the past year, union dues assignment processing and contractual salary increase processing has moved from PMS into NYCAPS and Police Department timekeeping has been fully moved into CityTime. During the coming year, additional functionality to calculate the payment of Uniform Allowance will be processed in NYCAPS and new web-based entry and inquiry screens will be developed.

FINANCIAL INFORMATION SERVICES AGENCY

Pension Payroll Management System (PPMS)

The Pension Payroll Management System (PPMS) is used for producing payments to New York City retirees. For Calendar Year 2014, PPMS produced over 3.8 million payments for approximately 317,000 New York City recipients by running close to 180 pay cycles, valued at approximately \$22 billion dollars. FISA manages the distribution of retiree checks, 1099 forms and quarterly statements to pensioners.

New York City Automated Personnel System (NYCAPS)

NYCAPS is a citywide human resources and benefits system which processes transactions for City employees. In the past year, work was completed to move Department of Education employees into NYCAPS. FISA is now working with CUNY to implement the employees of the Community colleges into NYCAPS. In addition, NYCAPS processes health benefits for all NYC retirees.

CityTime

The CityTime system is a unified and automated timekeeping system which interfaces with the City's Payroll Management System to support accurate time and attendance records and payroll calculations.

FISA continues to be on target to meet the objectives set forth in the FISA Board Resolution of June 2011 which calls for replacement of consultants with City staff. From the time FISA assumed responsibility for the implementation and maintenance of CityTime, the number of consultants on the project has been reduced from 71 to 6 with a resultant savings of over \$5 million dollars per year. Overall, FISA has tremendously reduced its reliance on consultants. In FY 2011 FISA had 194 consultants and currently has 30 consultants in total. FISA continues its efforts to reduce these numbers even further.

FINANCIAL INFORMATION SERVICES AGENCY

Open Data/My Money

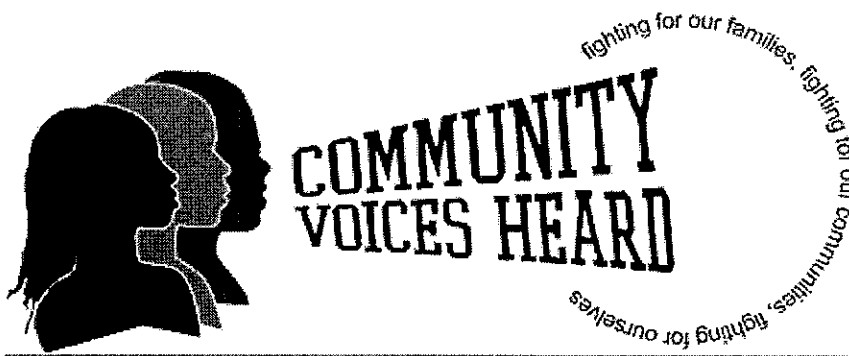
FISA continues to provide the Department of Information Technology and Telecommunications (DoITT) with data on city-wide job postings for the Open Data website.

FISA also provides the New York City Comptroller's Office with payroll, contract, and payment data for the Checkbook 2.0 web site. We continue to actively provide support as they design additional components of Checkbook.

Agency Budget Information

FISA's staffing for Fiscal Year 2015 and Fiscal Year 2016 is an authorized 459 employees. FISA's total January Plan budget allocation for FY 2016 is \$105 million: \$49 million for Personal Services (PS) and \$56 million for Other Than Personal Services (OTPS).

At this point, I would be happy to answer any questions the Council may have.



www.CVHaction.org

**Testimony for Committee on Governmental Operations
Preliminary Budget Hearing March 19, 2015**

Good morning Chair Kallos and the Committee on Governmental Affairs. I am Joseph Mpa of Community Voices Heard and would like to thank you for this opportunity to talk about what an extraordinary time this is. DCAS is a symbol of the blood which the heart pumps to keep someone alive. It plays a major role in the growth and sustainment of this metropolis. Certainly to the extent that DCAS is alive and functioning speaks well to the overall health of our City. DCAS has not been in the best of health for the past twenty years due to a misguided diagnosis which caused the patient to almost be put on life support. The diagnosis resulted in mass layoffs, the squeezing of unions and the importation of a stream of thousands of unpaid laborers (WEP Workers). As well as the illegal hiring and use of provisional workers to bypass Civil Service procedures.

Alas the revitalized patient has the opportunity to dramatically affect the health and wellbeing of thousands of New Yorkers right here and right now. Historically DCAS has an average of 1000 WEP workers each moth from HRA who put in well over a million hours of unpaid labor. These were people who in a number of cases were deceived by believing this was an opportunity to possibly escape a cycle of poverty that may have spanned generations. Clearly these individuals were exploited by a system and government that developed a policy which felt that forced unpaid labor was a means to somehow resolve issues of poverty. DCAS was compelled to participate in this failed system of governmental leadership and has been an unwitting partner in depriving people of hope, self-esteem and a chance to obtain a real and meaningful job.

There is a clear opportunity for DCAS to help right and address decades of injustice. This year alone over a thousand HRA WEP workers have walked through DCAS doors. Commissioner Banks has made it possible for DCAS to create a pathway to employment instead of WEP. It would involve DCAS giving an opportunity to all those people who they have already had the chance to observe and monitor as to their adherence to employability skills and their potential for growth. They can give these individuals who would like to be gainfully employed by assisting them with applying for positions like Clerical Aide, Custodial Assistant and other entry level and non-Civil Service Test positions. The Agency can make it happen right now and by notifying them of a real job with a real pay check, real

New York City (main office)	Westchester County	Orange County	Dutchess County
115 East 106th St., 3rd Floor New York, NY 10029 Tel: 212-860-6001 Fax: 212-996-9481	28 N Broadway, 2nd Floor Yonkers, NY 10701 Tel: 914-751-2641 Fax: 914-751-2642	98 Grand Street Basement Level Newburgh, NY 12550 Tel: 845-562-2020 Fax: 845-562-2030	29 North Hamilton St., Suite L03 Poughkeepsie, NY 12601 Tel: 845-790-5945 Fax: 845-790-5946

benefits and a chance to begin to climb a career ladder. The creation of a pathway from HRA to real jobs at DCAS is possible.

Let us not ignore the ability we all have to be a positive part of the solution to remedy some of the wrongs of the past, failures of the present and avoidable mistakes of the future. We need DCAS and all City Agencies to develop a clear path to employment for Public Assistance Recipients who are qualified, willing, able and enthusiastic about ending the cycle of poverty. We all just need a chance.

**Testimony on the FY 2016 Preliminary Budget
Department of Records and Information Services
March 19, 2015**

Good morning Chairperson Kallos and members of the Committee.

I am Pauline Toole, the Commissioner of the City's Department of Records and Information Services, commonly known as DORIS. I'm joined by key staff: Naomi Pacheco, the Director of Administration, Joseph Mathis, the Budget Director and Ken Cobb, the Assistant Commissioner.

DORIS is a small agency with a big mission: to preserve and make available government information—both from the past and the present. The agency has three divisions: the Municipal Records Center, the Municipal Archives and the Municipal Library.

The Municipal Records Management Division develops and enforces the City's record management policies, operates records storage facilities in two locations with a combined capacity of 738,000 cubic feet, and provides records management services to 50 City agencies, ten courts, and the five district attorneys' offices.

The Municipal Archives preserves, catalogs and makes available City government's historical records. The earliest record in the Archives is a land grant deeding Lady Deborah Moody the tract currently known as Gravesend in 1645. The Archives holds collections as varied as the Almshouse Ledgers dating from 1759 through 1936; the Tweed Ring court records from the 1870's; World Trade Center materials; the Brooklyn Bridge engineering drawings and the Central Park drawings. There are more than 200,000 cubic feet of historical records stored at Bush Terminal and 30,000 cubic feet of records in our headquarters. Our materials include manuscripts, maps, photographs, architectural models, video, audio recordings and mayoral gifts.

The Municipal Library provides the public with published documents about City government. The holdings include published reports from the separate cities of Flushing and Brooklyn prior to the consolidation of New York City in 1898 and reports issued by various agencies for the past 117 years. Since 2003, the Library has operated an online portal for government publications.

Our mission is to foster civic life by preserving and providing access to the historical and contemporary records of New York City government, to ensure that City records are properly maintained following professional archival and record management practices and to make materials available to diverse communities both online and in person.

The preliminary budget provides a total FY 2016 allotment of \$5,943,429 for operating costs which includes personal service (PS) funding of \$2,754,968 and OTPS funding of \$3,188,461. The fulltime headcount has increased by 6, from 38 City funded positions to 44 City funded positions. The Preliminary Plan represents an increase of \$545,515 from the current spending plan funding . During the past fiscal year, agency funding was increased to support our archival and information services programs and we expect that funding to continue in the upcoming fiscal year.

DORIS also received \$354,311 in direct grants during FY 2015 which includes \$200,000 to administer the Local Government Records Management Improvement Fund Grants that are allotted to DORIS and other City entities; \$37,750 to preserve and index historical Brooklyn maps, \$74,853 to continue preserving historical NYPD photographs, and \$41,708 to begin preserving historical HPD photographs.

During the past twelve months, DORIS has undertaken initiatives to better fulfill our charter-mandated responsibilities. The agency had been on the chopping block for the previous twenty years. We have identified areas for improvement and increased efficiency. We've shored up operations and are now either fulfilling our mandates or are on track to do so.

For example, you may recall that in last year's testimony, I reported on the status of the government publications portal required by section 1133 of the Charter. The purpose of the portal is to make current government reports available to the public. You could think of it as the online Municipal Library. A year ago, only 48% of agencies had provided electronic reports for online posting, at some point between 2003 and 2014. And the system for accessing the reports frustrated the end-user because only in very rare instances could a person actually download a report.

I'm happy to report that the beta version of our publications portal just went live and it's user-friendly, easy to navigate, and full of reports. We have worked with agencies during the past nine months. There are still some reports to load but we either have posted or expect reports in the near future from all Mayoral agencies and offices. Additionally, the Municipal Librarian is developing a database of every required report, so we can remind agency representatives to send the required copies. In the next phase of the portal development, we expect to add additional functionality, such as the webcasts of agency board meetings.

The portal is a collaboration between DORIS and DOITT. It utilizes open-source code and encourages feedback from the user community. DOITT worked with the DORIS team make the portal more robust so it could handle hundreds of requests at one time. In future stages, we will add increased functions such as archived websites.

Based on the re-launch of the portal and the DORIS mission to provide government information to the public, we are embarking on a key mayoral initiative: the Open FOIL Platform. The platform shares the same architecture and programming language that was employed on the Open FOIL Portal. We will be phasing this portal in during the upcoming fiscal year and will keep you abreast of developments. Of course we recognize that this takes a team and will again be collaborating with DOITT.

In July 2014, the newly appointed Municipal Archivist began assessing the state of the Archives and established two overarching goals: 1) to ensure that there is a plan to accession all records of historical value and that the plan is followed and 2) to broaden access to City government's historical materials by making them available digitally and in thematic exhibits.

The archival staff has been surveying agencies and the offices of elected officials to determine the existence of historical records that may not have been transferred during the past twenty years. We have a long-standing arrangement with the LaGuardia-Wagner Archives to care for the Council's historical records.

We anticipate making all of the collections available online but realize such an initiative will take several years. In the interim, our online gallery at www.archives.nyc showcases the records of New Amsterdam. We will add a gallery of highlights from our newest exhibit: *Women Make History: A March Through the Archives*, next week. In connection with the Bronx exhibit, we placed three satellite exhibits at sites in the Bronx and we are exploring additional community-based exhibits.

We have been working with Records Managers from several City agencies to review practices and policies and develop a proposal for 21st Century Records Management. Almost all of the existing record retention schedules were adopted in the 1980's and must be revised. And, of course, technology changed dramatically in the past 30 years, so our new guidelines will reflect that most records have been created digitally and can be retained electronically. The recent Citi-Storage fire illustrated the negative impact of fire and water on hard copy records; storing records, particularly those born digital in the cloud will eliminate this problem.

Our increased headcount of 6 positions permits us to add skills to fulfill these plans. This includes three new technology hires: a developer and a project manager for the OpenFOIL project and a developer who primarily will be working on an online archival system similar to that used by the Smithsonian Institute. We also are hiring two new archivists who will be processing historical collections and a Citywide Records Manager, whose critical role is to establish and enforce record management policies for all City agencies.

In sum, during FY 2015, DORIS put in place the technology, human capital, and other resources to fulfill our charter mandated responsibilities. During the upcoming fiscal year, we will build on this foundation, continue to improve operations, and make our holdings more available to the public.

Thank you.

Testimony of Glenn Newman before the City Council

Committee on Government Operations

March 19, 2015

The Office of Administrative Tax Appeals established by Local Law 57 of 2007 brought together the City's two agencies that hear tax appeals, the Tax Appeals Tribunal and Tax Commission.

The Tax Appeals Tribunal is the independent forum to hear appeals of Finance Department determinations relating to the City's non-property taxes (general corporation tax, bank tax, unincorporated business tax, commercial rent tax, real property transfer tax, etc.). The Tribunal consists of two divisions an appeals division and an Administrative Law Judge division. The appeals division consists of three commissioners appointed by the Mayor to hear appeals from the Administrative Law Judge ("ALJ") division where the trials of the tax matters take place. After a determination by one of the three ALJs either the taxpayer or the Department of Finance (represented by the Corporation Counsel) may appeal to the Commissioners of appeals division. Only the taxpayer may appeal the Commissioner's decision and that appeal goes directly to the Appellate Division of the New York Supreme Court for review. These cases can involve many substantive and procedural issues such as what income is taxable and what deductions are proper and apportionment of income to the City. There are about 70 cases pending and the cases proceed for months or years as hearings and briefing of complicated issues are presented.

The Tax Commission is the City of New York's independent forum for administrative review of real property tax assessments. Pursuant to the New York City Charter and Administrative Code, the Tax Commission's mission is to ensure determinations of real property tax assessment protests are fair and efficient in

order to provide effective administrative review of property tax assessments within the City of New York.

Annual assessments are the basis for the real property tax levy, the City's largest source of revenue. An "assessment" encompasses a tax lot's tax class, market value, and eligibility for full or partial exemption. The amount of a tax lot's assessment, or its "assessed value" (for tax lots where assessment increases are not limited by law), is based upon the property's market value to which the assessment ratio for the tax class is applied. The tax imposed on the tax lot for a fiscal year is the product of its taxable assessed value and the overall tax rate applicable to its designated tax class as adopted by the City Council.

Each January the Department of Finance publishes tentative assessments for the more than 1 million tax lots in the City. The Finance Department sends a notice of value to the owner (or designee) of each tax lot in connection with the property taxes to be levied for the City's next fiscal year (July 1 through June 30). In addition the Finance Department publishes assessment ratios for the four property tax classes and the guidelines they use to value properties. Each year the Department of Finance calculates individual assessments and the assessment ratio for each of the four tax classes considering fluctuations in the real estate market, physical alterations and/or changes in taxable status issuing a final assessment roll on May 25th.

State and local laws provide the right and the means for taxpayers to obtain administrative review of individual real property tax assessments. Tax rates are *not* subject to property-specific challenge. The claims in an application for correction of assessment that the Tax Commission may review are: 1) misclassification (that is, the property is assessed in the wrong tax class for its type and use, under the four-class system); 2) excessiveness (principally, the property fails to receive all or a portion of a partial tax exemption); 3) inequality (that is, the

property's assessed value is set at a higher proportion of market value than that applied to all other properties in the same tax class); and 4) unlawfulness (principally, the property fails to receive a complete tax exemption).

The accepted methodologies for valuing real estate use sales of comparable properties, income generated by the property or the cost of reproducing the structure. Disputes over individual assessments are an inevitable feature of ad valorem property taxation.

The Tax Commission is an accessible forum that expeditiously resolves assessment disputes, and orders remedial action where appropriate, in accordance with applicable law and appraisal concepts. The existence, mission and authority of the Tax Commission—as an administrative agency of the City of New York—are required pursuant to the New York State Real Property Tax Law and the New York City Charter and Administrative Code. The fair and effective operation of the Tax Commission in discharging its functions is an integral part of tax administration in the City.

A fair and efficient review process is essential to reducing costly litigation of assessment disputes. Appropriate action by the Tax Commission brings closure to many claims that might be further contested costing additional time and resources for taxpayers and the City. Moreover, taxpayers may be inclined to moderate their demands when met with the genuine prospect of timely relief from the Tax Commission—in lieu of overpaying taxes for a number of years, while pursuing relief in an Article 7 proceeding defended by the Law Department subject to the approval of the Comptroller or expensive, risk-laden trial and related proceedings in court.

Another feature of the Tax Commission's operations—the longstanding practice of employing a standard “acceptance agreement” which requires the discontinuance of all pending judicial proceedings with respect to prior years when

accepting an offer of reduction by the Tax Commission—benefits the City by eliminating thousands of pending Article 7 proceedings.

In sum, though it is a small agency in the context of staffing and expense budget allotments, the Tax Commission is an integral component of the New York City's tax administration system.

Pursuant to the New York City Charter, the Tax Commission proper consists of a President and six Commissioners appointed by the Mayor, with advice and consent of the Council, to staggered six-year terms. The President, as the head of the agency, serves full-time, while the six Commissioners serve part-time. Each member of the Commission must have at least three years of business experience in real estate or real estate law. Additionally, the Commission must include at least one resident of each borough.

The Tax Commission strives to meet the challenge to provide fair and efficient hearing on protests of property tax assessments and maintain the essential features of the agency's operations. In 2014/15 tax year, the sixth full budget year integrating the Tax Commission and the Tax Appeals Tribunal within the Office of Administrative Tax Appeals ("OATA"), OATA had a staff of 37 full-time employees plus 3 part-time Commissioners and an operating budget of \$4,328,758. The Tax Commission's core function of ruling on annual applications for correction of assessment is a great responsibility and an integral part of the City's tax system. Application forms—along with associated instructions and informational summaries—issued by the Tax Commission for use in administering the formal administrative review process are revised annually. The number and variety of applications filed each year require a multitude of functions to be performed. These functions include: outreach to the public and information sessions on the application process, intake and stratified sorting of forms and documents; creating and maintaining case files and records; calendaring; allocating

internal assignments; scheduling, preparing for and conducting hearings; performing legal, appraisal and factual research and analyses; rendering determinations; generating and mailing disposition notices; processing remedial relief, and communications with the Department of Finance and the Law Department; auditing; compiling and analyzing performance statistics; computer programming; clerical tasks; and responding to customer inquiries and requests under the Freedom of Information Law.

The Tax Commission staff, together with Finance staff, held outreach sessions in each Borough. In 2014 and 2015, we held morning and evening sessions so that several hundred property were able to get information on their property tax assessments and help in filing protests.

As in previous years in 2014, the Department of Finance sent renewal of property tax exemptions to not-for-profit organizations requiring them to provide updated information to establish their exemption from property tax. This resulted in 194 applications protesting the denial or reduction of their exemption as compared to 184 in 2013. These matters required additional outreach to those claiming exemption, in-person hearings and extensive documentation of the exempt status of the organizations and use of the premises. Many of these organizations did not have professional staff and so the Tax Commission spent a considerable amount of time explaining the requirements for exemption and how to present the facts needed to prove their claim.

In 2014, the Tax Commission received 52,221 applications, covering 193,305 separately assessed tax lots, encompassing \$177.6 billion in assessed value.

The Tax Commission conducted 24,254 substantive hearings in 2014. In exercising its two-year jurisdiction, the Tax Commission took remedial actions in 2014 that, in the aggregate, granted \$5.85 billion in assessment reductions, yielding

approximately \$521 million in tax relief to aggrieved taxpayers. In conjunction with its disposition of applications protesting 2014 assessments, the Tax Commission also brought closure to 16,495 pending judicial review proceedings claiming errors in assessments for prior years totaling \$60 billion.

I will be glad to answer any questions you may have.

City Council Statement
March 19, 2015

Introduction:

Good afternoon Chair Kallos and distinguished Members of the Government Operations Committee. It is a pleasure to come before you to discuss the Law Department's fiscal year 2016 Preliminary Budget.

Over the past year, I have been engaged with Law Department staff on numerous individual matters with enormous liability, policy and operational implications for the City and its constituent agencies. Some of these matters involve public safety. Others involve the City's contractual relationships with various service providers. Still others raise important issues concerning access to services. On every occasion, I have never failed to be impressed by the professionalism, hard work, depth of knowledge and expertise and dedication of our lawyers and the extraordinary staff, that supports them.

Ultimately, our mission is to vigorously defend the legal interests of the City with an appreciation for the importance of fair outcomes to public confidence in City government.

The Corporation Counsel is the attorney for the City and its agencies and has responsibility for all litigation and other legal matters involving the City. The Department employs approximately 730 attorneys and 630 support staff. Let me add that of our 730 attorneys approximately 21% are persons of color and 58% are women.

The Law Department consists of sixteen legal and three support divisions. We handle an extraordinary array of cases and non-litigation matters: from tort to tax, from environmental and administrative issues to economic development and municipal financing. We also represent the City as plaintiff in a wide variety of affirmative matters.

Our total proposed appropriation (PS and OTPS) for fiscal year 2016 is \$171,584,437. Our proposed fiscal year 2016 headcount is 1,460.

Litigation:

The volume of litigation matters pending against the City presents a substantial challenge. The Torts Division alone defends some 20,000 cases currently pending against the City, its agencies and employees. Approximately 7000 cases are filed against the City each year. Approximately 6000 cases are resolved each year by trial, motion practice and settlement. The Tort Division secured approximately 1000 dismissals by motion.

While claims for monetary damages represent the lion's share of cases pending against the City, substantial resources are devoted to the defense of cases demanding injunctive relief, most often seeking operational reforms of agency practices. Where we determine that such claims are without merit, we oppose them vigorously. However, where a claim brings to the City's attention operational issues in need of correction or reform, we use our resources to assist

our agency clients in making necessary operational changes, thereby reducing future liabilities and serving the public more effectively.

In addition to defending claims against the City, the Law Department prosecutes claims to advocate the City's fiscal, commercial and policy interests. Our Affirmative Litigation Division brought aggressive, effective litigation against traffickers of untaxed cigarettes, not only protecting an important revenue stream, but public health. Our Appellate Division submitted amicus briefs on marriage equality, immigration, and environmental protection.

Family Court Division:

Our Family Court division balances the dual goals of serving the best interest of the child brought before the court and ensuring community safety. Last year, the Division's Juvenile Delinquency Prosecution Unit handled approximately 4,600 juvenile delinquency cases.

In anticipation of the State Legislature's possible passage of the "Raise the Age" bill in the coming weeks, we are already planning the expansion of our Delinquency Unit to accommodate the added population of 16 and 17 year old juveniles to Family Court caseloads.

Our work with City Council:

Over the past year, the City Council, with our support, has produced a host of groundbreaking legislative achievements, which have improved the lives of millions of New Yorkers. Together, we tackled income inequality by developing legislation to extend paid sick leave to half a million more New Yorkers. We assisted the Council's efforts to protect the rights of transgender New Yorkers, who no longer must prove that they had surgery in order to change their sex designation on their birth certificates. We partnered with the Council to protect the rights and wellbeing of immigrant New Yorkers through the development of the new municipal ID program and by placing reasonable limits on the City's cooperation with needless detentions and deportations. We look forward to building upon these successes and continuing to support the City Council's efforts in the coming year.

Organizing to Enhance Client Agency Service:

We look forward to deepening our existing relationships with City agencies. To that end, we've created agency liaison teams within the Law Department to provide more effective, efficient and proactive service to our City agency clients.

With the additional resources we have requested, we will aggressively litigate patently frivolous police cases, saving public funds and discouraging litigation.

Statement by Fidel F. Del Valle, Commissioner & Chief Administrative Law Judge at the NYC Office of Administrative Trials and Hearings, to the City Council in Connection with the Preliminary Budget for Fiscal Year 2016

March 19, 2015

This statement is being submitted to Chairperson Kallos and members of the Committee on Governmental Operations in relation to the 2016 Preliminary Budget.

The New York City Office of Administrative Trials and Hearings (“OATH”) is the largest municipal administrative court in the nation. OATH oversees the operations of four different tribunals and handles a wide variety of cases, conducting approximately 300,000 full hearings annually.

OATH currently consists of 4 divisions that are the OATH Tribunal, the OATH Health Tribunal, the OATH Taxi & Limousine Tribunal, and the Environmental Control Board (ECB). As an independent administrative court, OATH’s primary mission is to provide fair and timely trials and hearings to everyone who appears before our administrative law judges and hearing officers.

Equity: Fair and Equal Access to Justice

To provide greater equity and fair and equal access to justice, OATH is working to eliminate barriers to obtaining convenient hearings for all New Yorkers and to put small businesses and residents first. To that end, OATH aims to encourage participation in the administrative justice process. It will no longer consist of four separate tribunals in 2016. Rather, OATH will have an Administrative Trials Division and an Administrative Hearings Division. The OATH Administrative Trials Division, formerly known as the OATH Tribunal, will require that administrative law judges preside over trials concerning disciplinary or disability cases involving civil servants, zoning matters, seizure cases, license revocations, Conflict Of Interest Board violations, vehicle forfeiture, Loft Law and SRO cases, City Human Rights Law violations, lobbyist registration and other regulatory cases, and city contract disputes. The cases commenced by the issuance of summonses, also known as “Notices of Violations,” will be adjudicated in the OATH Administrative Hearings Division by hearing officers on quality of life matters which include but are not limited to alleged building violations, sanitation violations, vehicle for hire violations, restaurant violations, and health violations.

To facilitate the transition to one OATH Hearings Division, OATH is engaging in rule making that will create one uniform set of procedural rules for the OATH Hearings Division as well as one set of forms for use by the public. In addition, OATH is currently working on creating one uniform summons that will be used by any City agency issuing summonses returnable to OATH.

As you may be aware, the tribunals that conduct hearings have multiple sets of procedural rules and different adjudication locations. This makes it inconvenient for residents and small businesses to address multiple violations issued by different city agencies. In some instances, residents and small business owners will be required to travel to various locations on different

dates and times to have their violations adjudicated. OATH will be cross training its hearing officers at the agency's Administrative Judicial Institute to enable them to adjudicate any type of case so that in 2016, OATH will have One-Stop Hearing Centers throughout the five boroughs. With One-Stop Hearing Centers, residents and small business owners can address and resolve any violation issued by any city agency at one time, in one convenient location.

OATH's is committed to ensuring that all individuals and small business owners have equal access to its tribunals. OATH's tribunals are accessible on the agency's website. OATH's website already publishes decisions made by the OATH Trials Division. The website was designed to help visitors understand the many options available to them when responding to violations they have received from city enforcement agencies. OATH's commitment to providing easy to understand instructions is demonstrated by the plain language format on the agency's website that is also available in multiple languages. OATH's ECB Ticket Finder search application, found on the website, permits the user to search for any violation, view and print copies of the violation and learn the violation's current status. Individuals and small business owners will have the ability to search and find tickets issued by the Department of Health and Mental Hygiene by the end of 2015.

OATH's ECB and Health Tribunals offer alternative hearing options to individuals and small business owners addressing alleged violations they receive from the City's enforcement agencies. These alternative options include online submissions, submissions by mail, and hearings by telephone. There has been a 67% increase in the number of alternative hearings conducted by OATH since 2012 when hearings by phone and hearings online were launched. Additionally, OATH's Health Tribunal has implemented the virtual hearing program as a means to improve access to justice for individuals and small business owners throughout the five boroughs. Virtual hearings utilize web-cam technology to permit issuing agents to testify irrespective of the location of the hearing. This enables respondents to attend hearings at OATH offices located in the borough in which they live or operate their business and reduces adjournments which would require them to return for another hearing on the same matter.

Headcount

The agency's headcount increased by two, from 250 employees in Fiscal Year 2015 to 252 in Fiscal Year 2016. This does not include a roster of 320 which comprises per diem attorneys who function as our hearing officers.

Revenue

OATH adjudicates summonses alleging violations that exclusively carry civil penalties. A case adjudicated before OATH judges and hearing officers provide the parties opportunity to present factual evidence supporting their respective positions with regard to the allegations made by enforcement agencies. Summonses issued by enforcement agencies can result in monetary penalties mandated by applicable laws or rules. The rules or governing laws of enforcement agencies that issue the summonses establish the amount of these fines and penalties. The expected revenue for fiscal year 2016 from the payment of these fines post adjudication and pre-docketing is \$89.5 Million for OATH ECB, \$30 Million for the OATH Health Tribunal, and \$7.3

Million at OATH's Taxi & Limousine Tribunal. Once an OATH hearing decision is docketed it becomes a civil court judgment that can be enforced by the Department of Finance.

Budget

OATH's total Preliminary Budget for Fiscal Year 2016 is \$37,751,208, which represents an increase of \$1,269,297 from the current Fiscal Year's budget for lease expenses, collective bargaining, Small Business First, and network services. Of the \$37,751,208, \$28,413,714 is PS and \$9,337,494 is OTPS.

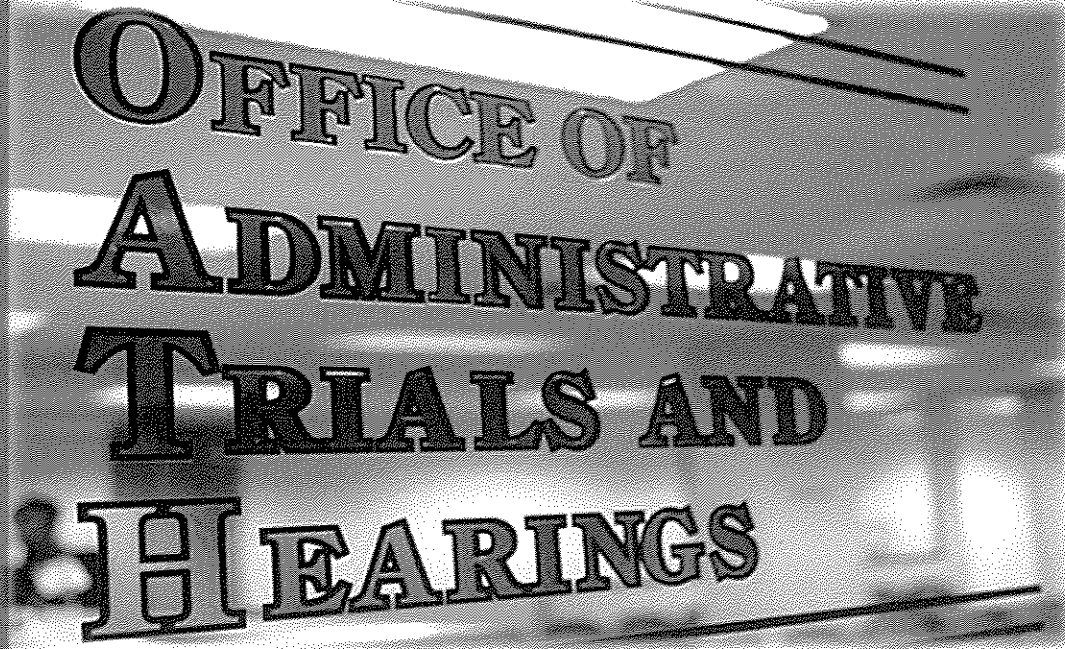
Conclusion

Thank you for your ongoing support of OATH and I look forward to our continued partnership. I would be happy to answer any questions you may have.



OFFICE OF
ADMINISTRATIVE
TRIALS AND HEARINGS

Agency Overview



OATH holds **trials** on a diverse range of administrative matters including: human rights and discrimination cases, car seizure cases, license revocation cases and complex contractual disputes in addition to being the agency responsible for hearing disciplinary cases relating to the City's more than 325,000 civil servant workforce.

OATH also receives approximately 750,000 summonses each year- from the City's various enforcement agencies- on which it conducts about 300,000 **hearings**.

OATH - Trials Division

- The OATH Tribunal is OATH's Trials Division.
 - 9 Administrative Law Judges
 - 1 location (Manhattan)
 - 2,665 cases filed for FY2014
- What is known as the OATH Trials Division today was the first and only division of OATH when OATH was originally created by Mayoral Order in 1979 and then a Charter agency in 1988.
- OATH was established as the first municipal administrative law court in the country to be separate from the agencies that refer cases to it.
- The creation of a central independent decision-making body has fostered increased confidence in the fairness of the administrative trials and hearings process.
- OATH's administrative law judges are appointed to five-year terms, further enhancing their impartiality.

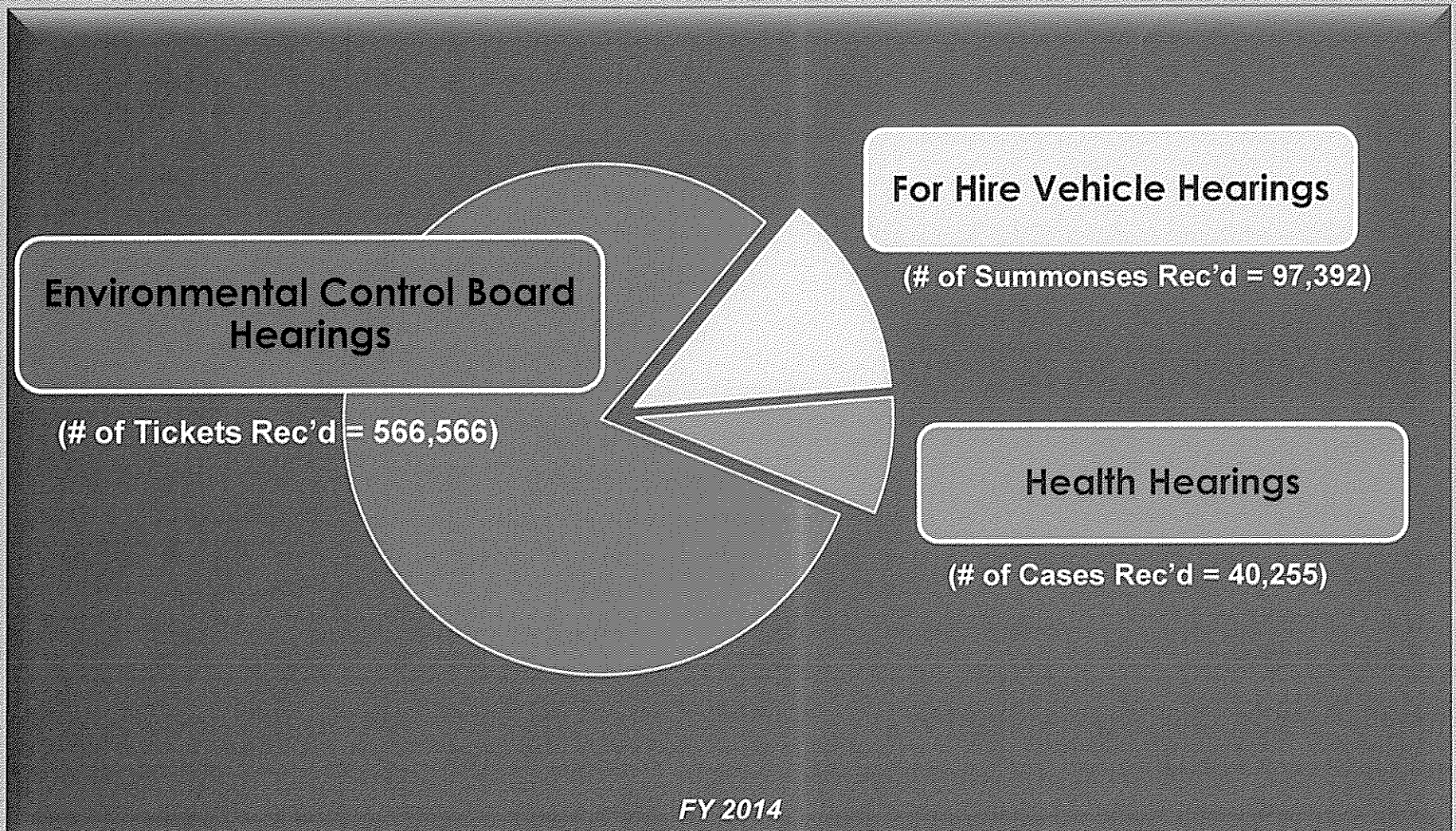


TYPES OF CASES

- Employee Disciplinary / Employee Disability
- Conflict of Interest Board (COIB)
- License Revocation for City-Issued Licenses
- Vehicle Forfeiture (Vehicle Seizure by Police)
- Loft Law Cases / Zoning Violations / SRO
- Discrimination Under City Human Rights Law
- Lobbyist Registration & Other Regulatory Cases
- City Contract Disputes

OATH - Hearings Division

OATH'S HEARINGS DIVISION IS COMPRISED OF 3 PARTS



OATH Environmental Control Board (ECB) Hearings

- Environmental Control Board (ECB) hearings involve quality of life and public safety charges that are filed with OATH by 13 different City agencies.

- OATH holds ECB hearings at 5 locations
(1 office in each Borough)
- involving 146 full time employees and 191 hearing officers
- OATH conducted 195,284 ECB hearings in FY2014



ENFORCEMENT AGENCIES:

1. SANITATION DEPARTMENT
2. BUILDINGS DEPARTMENT
3. FIRE DEPARTMENT
4. POLICE DEPARTMENT
5. DEPARTMENT OF TRANSPORTATION
6. DEPT. OF HEALTH AND MENTAL HYGIENE
7. DEPT. OF ENVIRONMENTAL PROTECTION
8. DEPT. OF PARKS AND RECREATION
9. DEPT. OF CONSUMER AFFAIRS
10. DEPT. OF SMALL BUSINESS SERVICES
11. BUSINESS INTEGRITY COMMISSION
12. LANDMARKS PRESERVATION COMM.
13. DOITT

Health Hearings

- OATH hearing officers hold hearings on alleged violations of the City Health Code and other charges brought by the City's Department of Health and Mental Hygiene (DOHMH). The majority of the hearings are cases involving food service establishments.
- OATH holds Health hearings at 5 locations (1 office in each Borough)
- involving 56 full time employees and 48 hearing officers
- OATH conducted 37,932 Health hearings in FY2014



TYPES OF CASES (top 11):

1. RESTAURANT
2. SMOKE FREE AA/ TOBACCO VENDING
3. NUISANCES
4. ANIMAL AFFAIRS/ VETERINARY
PUBLIC HEALTH
5. VECTOR CONTROL-WEST NILE VIRUS
6. LEAD POISONING
7. BATHING ESTABLISHMENTS/
SWIMMING POOLS
8. RADIATION
9. DAY CARE
10. DAY CAMP
11. TEMPORARY FOOD ESTABLISHMENTS

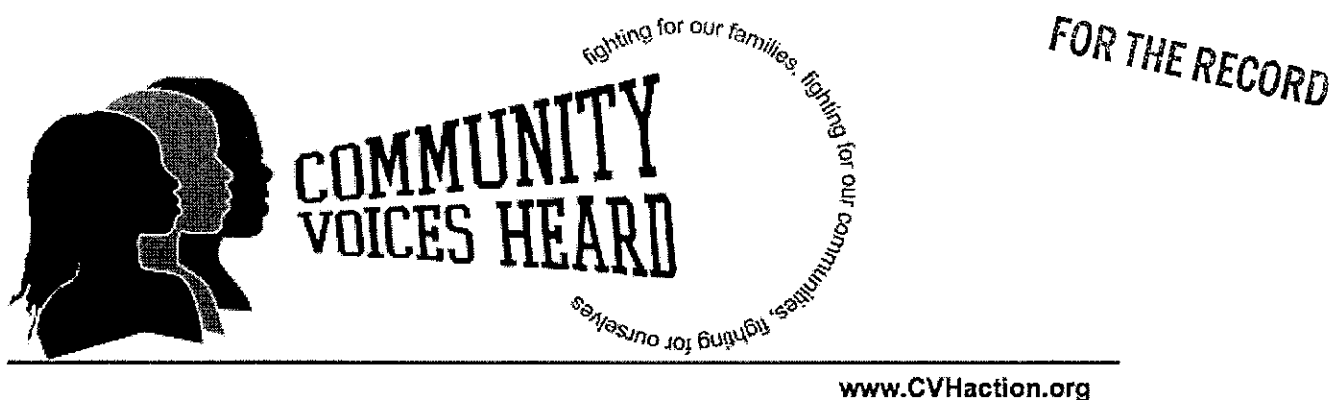
For Hire Vehicle Hearings

- OATH hearing officers hold hearings on potential violations of TLC's rules and regulations including cases brought against drivers by TLC, NYPD, Port Authority of NY and charges resulting from customer complaints.
- For Hire Vehicle related hearings are conducted at 4 locations (Long Island City, JFK Airport, Manhattan, Staten Island)
- involving 32 full time employees and 71 hearing officers
- OATH processed 64,621 For Hire Vehicle summonses in FY2014



TYPES OF CASES:

- CIVILIAN COMPLAINT
- SAFETY AND EMISSION
- TLC INSPECTOR – ISSUED
- PORT AUTHORITY – ISSUED
- POLICE DEPARTMENT – ISSUED



**Testimony for Committee on Governmental Operations
Preliminary Budget Hearing March 19, 2015**

Good morning, Chair Kallos, Council members. My name is Ann Valdez and I am a leader at Community Voices Heard. As you know CVH has been working to end the unpaid work experience program and to create pathways to employment for people on public assistance for many years.

DCAS has an important role to play in the phase out of Work Experience Program. DCAS currently has almost 1,000 WEP workers performing maintenance and clerical work in almost every city office building. City Hall and 250 Broadway. Right now, across the street, at One Centre St, women WEP workers wearing tags that say non-employee are cleaning the bathrooms while men with the same degrading name tags take out the trash.

Community Voices Heard would instead like to create a pathway for people looking for work from HRA to positions that open in city agencies. We know that DCAS must figure out an alternative to the extensive amount of exploited labor of the WEP workers. And DCAS is critical in helping to make sure there is a pathway that is fair to the people who have done WEP, would in the future do something else as well as the people who have taken city civil service tests and are waiting for openings. To be clear, some of the people waiting on the lists are the very same people doing WEP.

We would like the City Council and DCAS Commissioner Cumberbatch and the unions to work with HRA to move quickly to end the horror of WEP. Thank you

New York City (main office) 115 East 106th St., 3rd Floor New York, NY 10029 Tel: 212-860-6001 Fax: 212-996-9481	Westchester County 28 N Broadway, 2nd Floor Yonkers, NY 10701 Tel: 914-751-2641 Fax: 914-751-2642	Orange County 98 Grand Street Basement Level Newburgh, NY 12550 Tel: 845-562-2020 Fax: 845-562-2030	Dutchess County 29 North Hamilton St., Suite L03 Poughkeepsie, NY 12601 Tel: 845-790-5945 Fax: 845-790-5946
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**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: Dawn Sandow

Address: 42 Broadway

I represent: Bd of Elections

Address: 42 Broadway

**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: 3/19/15

(PLEASE PRINT)

Name: MICHAEL J. RYAN

Address: 42 BROADWAY, 7TH FL

I represent: NYC BOE

Address: 5/A/A

**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: MICHAEL J. RYAN

Address: 42 BROADWAY

I represent: NYC BOE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**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: _____

Address: _____

I represent: _____

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: 3/19/2015

(PLEASE PRINT)

Name: George Fernandez CB12M chair

Address: _____

I represent: CB12M

Address: 530 West 166th St.

**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: 3/17

(PLEASE PRINT)

Name: Stacey Cumberbatch

Address: 1 Carle St

I represent: DCA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**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: 3/19

(PLEASE PRINT)

Name: Suzanne Lynn

Address: 1 Centre St

I represent: DCAS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 3/19

(PLEASE PRINT)

Name: Richard Bobi Badillo

Address: 1 Centre St

I represent: 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: 3/19/15

(PLEASE PRINT)

Name: MEL WYMORE

Address: 120 W 70

I represent: CB7

Address: 150 W 87

Please complete this card and return to the Sergeant-at-Arms

**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: Jesse Bodine

Address: 330 West 42 Street

I represent: Manhattan CBL

Address: Same

**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: MICHAEL A HENSE

Address: 30 THIRD AV

I represent: DIST 33 CONSTITUENT

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: 3/19/15

(PLEASE PRINT)

Name: Zachary Carter

Address: 100 Churn

I represent: Law Department

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**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: 3/19/15

(PLEASE PRINT)

Name: Jeffrey Friedlander

Address: 100 Munn

I represent: Law Department

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: G Foster Mills

Address: 100 Munn

I represent: Law Department

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: Georgia Pestana

Address: 100 Munn

I represent: Law Department

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**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: Fidel F. Del Valle

Address: 100 Church St, 12th Fl, NY NY

I represent: Office of Administrative Trials and Hearings

Address: 100 Church St, 12th Fl, NY NY 10007

**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: 3/19/15

(PLEASE PRINT)

Name: Glenn Newman

Address: _____

I represent: DATA

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: Glenn Newman

Address: One Centre Street

I represent: NYC Tax Commission

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**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: 3/19/15

(PLEASE PRINT)

Name: Kenneth Grace

Address: 31 Chambers

I represent: DORIS

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: 3/19/15

(PLEASE PRINT)

Name: Pauline Toole

Address: 31 Chambers

I represent: DORIS

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: MOHAMED H. HAFEEZ

Address: 1 CENTRE STREET, ROOM 200 N

I represent: OPA

Address: SAME AS ABOVE

Please complete this card and return to the Sergeant-at-Arms

**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: NEIL MATTHEW

Address: 8318 260 STREET GLEN OAKS NY 11004

I represent: NYC OFFICE OF Payroll Administration

Address: 1 CENTRE STREET ROOM 200 NORTH NYC
10007

**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: 3/19/15

(PLEASE PRINT)

Name: Gerri Stepanek

Address: _____

I represent: Office of Payroll Administration (OPA)

Address: 450 West 33rd Street, 10th Floor

**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: 3/19/15

(PLEASE PRINT)

Name: Edward S. Fitzpatrick Jr.

Address: 50-44 214 ST Bayside, NY 11364

I represent: FISA

Address: 450 W 33rd Street

**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: 3/19/15

Name: Peter Reddy (PLEASE PRINT)

Address: 450 West 33rd St NY 10001

I represent: FISA

Address: 450 West 33rd St NY 10001

**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: 03/18/2015

Name: VELU PILLAI (PLEASE PRINT)

Address: 460 WEST 33RD STREET

I represent: FISA

Address: 460 WEST 33rd Street

**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: 3/19/15

Name: Laura M. Badano (PLEASE PRINT)

Address: 450 West 33rd St NYC 10001

I represent: Financial Information Services Group NYC

Address: same as above

**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: _____

ROY MOGILANSKI

Address: _____

450 W. 33RD ST

I represent: _____

FISA/OPA

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**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: _____

Peggy Farber

Address: _____

315 W 106 ST, NY NY

I represent: _____

Citizens Union

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆