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## THE COUNCIL

# **COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division**

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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

Hon. Fernando Cabrera*, Chair*

#### February 11, 2021

**Proposed Int. No. 374-A**: By Council Members Brannan, Salamanca, Holden, Rivera, Ayala, Powers, Constantinides, Koo, Gjonaj, Adams, Vallone, Koslowitz, Louis, Kallos, Lander and Borelli

**Title**: A Local Law to amend the New York city charter, in relation to the disqualification of persons from holding an elected city office for certain felony convictions

**Charter**: Adds new Chapter 50-A

**Proposed Int. No. 1525-B:** By Council Members Koo, Cabrera, Ayala, Kallos, Brannan, D. Diaz, Lander, and Ulrich

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in designated citywide languages

**Administrative Code**: Adds new section 23-306

**Proposed Int. No. 1830-A:** By Council Members Ayala, Yeger, Kallos, Brannan, D. Diaz, Lander, and Ulrich

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to publication of 311 service level agreements

**Administrative Code**: Amends section 23-305

# **Introduction**

On February 11, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, will hold a second hearing and a vote on the following pieces of legislation: Proposed Int. No. 374-A, sponsored by Council Member Brannan, in relation to the disqualification of persons from holding an elected city office for certain felony convictions; Proposed Int. No. 1525-B, sponsored by Council Member Koo, in relation to conducting 311 customer satisfaction surveys in designated citywide languages; and Proposed Int. No. 1830-A, sponsored by Council Member Ayala, in relation to publication of 311 service level agreements.

# **Background**

* 1. ***311 Overview***

The 311 Customer Service Center (“311”) is a citywide program providing non-emergency government services to New York City residents, visitors, and businesses.[[1]](#footnote-2) 311 is housed within the Department of Information Technology & Telecommunications (“DoITT”), the agency responsible for providing information technology, infrastructure, and telecommunications services to City agencies, boards, and offices. 311 was first launched in 2003 as a call center.[[2]](#footnote-3) Prior to its establishment by former Mayor Michael Bloomberg, the City relied on approximately 40 agency help lines and a general mayoral phone line, almost all of which were folded into 311.[[3]](#footnote-4) Today, 311 is available 24 hours a day, seven days a week, via multiple channels.[[4]](#footnote-5)

In Fiscal Year 2020, 311 received over 21 million calls, a more than 10 percent increase over the year before.[[5]](#footnote-6) In addition, over 420,000 text messages were sent to 311, representing an increase of 68 percent.[[6]](#footnote-7) About 2.2 million inquiries were made via the 311 mobile app, and the 311 website had approximately 10.5 million visits.[[7]](#footnote-8) The average wait time for a 311 caller was one minute and 38 seconds during peak hours, and one minute and three seconds during off-peak hours.[[8]](#footnote-9) From March 13 to April 16—during the peak of first wave of the COVID-19 pandemic in New York City—311 received more than 180,000 calls per day, and average wait times were significantly longer: six minutes and 38 seconds during peak hours, and four minutes and 27 seconds during off-peak hours.[[9]](#footnote-10)

* 1. ***Agency service level agreements***

A customer contact with 311 generally generates either a service request, when the customer is seeking a City agency to take an action, or an informational request, when the customer has a question regarding a City service.[[10]](#footnote-11) There are datasets for both types of requests on the City’s Open Data portal.[[11]](#footnote-12) Once a customer makes a complaint or request, a unique number is generated which is shared with the customer and can be used to track the resolution of the case.[[12]](#footnote-13) Service requests are submitted to appropriate City agencies, based on complaint type.[[13]](#footnote-14)

Service level agreements (“SLAs”) outline the time frame within which an agency is expected to respond to a particular service request.[[14]](#footnote-15) Some SLAs are as short as an hour while others can span several days, depending on the severity of the threat to public safety.[[15]](#footnote-16) 311 communicates this information to customers so they have an expectation for when the service request will be fulfilled. However, 311 is unable to follow an agency’s workflow for each request. It relies on each agency to document a clear resolution for each request and mark each request as closed.[[16]](#footnote-17)

During a Committee oversight hearing on February 4, 2019, the Departments of Environmental Protection (“DEP”), Buildings (“DOB”), Finance (“DOF”), Health and Mental Hygiene (“DOHMH”), Transportation (“DOT”) and Housing Preservation and Development (“HPD”), and the Taxi and Limousine Commission (“TLC”), each testified to how they prioritize and respond to disparate requests relayed by 311.[[17]](#footnote-18) Each agency has numerous complaint types, each with an assigned response time under an SLA. For example, DEP has 123 unique complaint types, DOB has nearly 100 and HPD has more than 150.[[18]](#footnote-19) Agencies testified that the majority of service requests are responded to within the time provided in their SLAs.[[19]](#footnote-20) However, not all are responded to in a timely fashion. For example, DOF reported that 67 percent of its requests were closed within the SLA timeframe in Fiscal Year 2018.[[20]](#footnote-21) DOHMH reported that it responded to rodent complaints within its 10-business day SLA target 81 percent of the time.[[21]](#footnote-22)

Both 311 representatives and members of the public can look up the status of a request if they have the corresponding service request number, and can see the SLA deadline for that request.[[22]](#footnote-23) Tracking service requests is possible through 311’s website and smartphone application for iOS and Android.[[23]](#footnote-24) The following is a screenshot (Figure No. 1) of what members of the public would see online, with the SLA complaint type and “SLA remaining days” highlighted:

Figure No. 1

Currently, 311 does not publish agency service level agreements on its website or the Open Data Portal.[[24]](#footnote-25)

# **Satisfaction surveys**

 During the Council’s January 2019 oversight hearing, 311 testified that it conducts an annual, 25-question customer satisfaction survey through a vendor.[[25]](#footnote-26) 311 conducts four additional in-house surveys using a Likert scale,[[26]](#footnote-27) which is a type of rating scale used to capture more nuanced responses to questions than the simple binary “yes” or “no.”[[27]](#footnote-28) These surveys were conducted entirely in English, with results showing generally high levels of customer satisfaction with 311 service. In Fiscal Year 2019, 311 reported that a customer satisfaction survey of 765 callers conducted by CFI Group, Inc. gave 311 a “composite score of 84,” which is reportedly “on par with the best performers in the private sector.”[[28]](#footnote-29)

However, Council Member Koo, then-chair of the Council Committee on Technology, expressed some skepticism towards the results of 311’s surveys, contending that a survey that does not capture the feedback and criticism of non-English users would not accurately represent the customer satisfaction of all 311 users.[[29]](#footnote-30) In response, 311 Executive Director Morrisroe said 311 could look at how it can expand its survey capability to languages other than English.[[30]](#footnote-31)

# **Legislative Analysis**

## Proposed Int. No. 374-A

 Proposed Int. No. 374-A (Brannan) would disqualify any person who has been convicted of certain felonies that relate to public corruption and depriving the public of honest services from being elected to, or holding, the offices of Mayor, Public Advocate, Comptroller, Borough President, or Council Member. The felonies included are grand larceny (if the property stolen included public funds), theft or bribery concerning programs receiving federal funds, making false statements in violation of section 1001 of title 18 of the U.S. Code (if committed through the use of, or in connection with, the elected office held by the person at the time of commission), wire and mail fraud, interference with commerce by threats or violence, and felony attempt or conspiracy to commit any of the aforementioned felonies. Under the bill, convictions that have been vacated or pardoned under state or federal law would not prevent a person from being elected to, or holding, office.

This bill would take effect immediately.

**Proposed Int. No. 1525-B**

Proposed Int. No. 1525-B (Koo) would require 311 to conduct at least five customer satisfaction surveys annually and would mandate that each survey be offered in the ten “designated citywide languages,” as determined by data from the United States Census Bureau and the NYC Department of Education.[[31]](#footnote-32) The bill would also require the Department of Information Technology and Telecommunications to submit an annual report to the Council Speaker and the Mayor containing the results of any such survey, disaggregated by the language in which the survey was conducted.

 This bill would take effect 90 days after becoming law.

## Proposed Int. No. 1830-A

 Proposed Int. No. 1832-B (Cabrera) would require 311 to post each agency’s SLAs on the Open Data portal, provide a link to such posting on the 311 website, and maintain a separate page on the 311 website providing general background information on SLAs.

This bill would take effect 120 days after becoming law.

Proposed Int. No. 374-A

By Council Members Brannan, Salamanca, Holden, Rivera, Ayala, Powers, Constantinides, Koo, Gjonaj, Adams, Vallone, Koslowitz, Louis, Kallos, Lander and Borelli

..Title

A Local Law to amend the New York city charter, in relation to the disqualification of persons from holding an elected city office for certain felony convictions

..Body

Be it enacted by the Council as follows:

 Section 1. The New York city charter is amended by adding a new chapter 50-A to read as follows:

CHAPTER 50-A

QUALIFICATION FOR ELECTED OFFICE

§ 1139 Qualification for Elected Office. In addition to any disqualifications for holding civil office in section 3 of the public officers law, no person shall be eligible to be elected to, or hold, the office of mayor, public advocate, comptroller, borough president or council member who has been convicted, provided such conviction has not been vacated pursuant to the criminal procedure law or title 28 of the United States code or pardoned by the governor pursuant to section 4 of article IV of the New York state constitution or the president pursuant to section 2 of article 2 of the United States constitution, of a felony, including an attempt or conspiracy to commit a felony, defined in:

1. sections 155.30, 155.35, 155.40, and 155.42 of the penal law, if the property stolen consisted in whole or in part of public funds;

2. section 666 of title 18 of the United States code;

3. section 1001 of title 18 of the United States code, if such felony was committed through the use of, or in connection with, such person’s elected office;

4. sections 1341, 1343 and 1346 of title 18 of the United States code; or

5. section 1951 of title 18 of the United States code.

§ 2. This local law takes effect immediately.

BJR/cjm

LS 4548

02/03/2021

Proposed Int. No. 1525-B

By Council Members Koo, Cabrera, Ayala, Kallos, Brannan, D. Diaz, Lander, and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in designated citywide languages

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-306 to read as follows:

§ 23-306 Customer satisfaction survey. a. Definitions. As used in this section, the following terms have the following meanings:

Customer satisfaction survey. The term “customer satisfaction survey” means a survey used to evaluate the experiences of individuals who contact the 311 customer service center and to determine their overall level of satisfaction with 311 call intake.

Designated citywide languages. The term “designated citywide languages” has the same meaning as such term is defined in section 23-1101.

b. The 311 customer service center shall annually conduct at least five campaigns in which customer satisfaction surveys are sent to individuals who have contacted the 311 customer service center in the previous six months.

c. Every customer satisfaction survey administered by the 311 customer service center or by an entity contracting with the city to conduct such customer satisfaction survey shall be made available in all designated citywide languages.

d. No later than July 1 of each year, the department of information technology and telecommunications shall issue a report to the speaker of the council and the mayor including the results of each survey required by subdivision b of this section, disaggregated by the language in which such survey was conducted.

§ 2. This local law takes effect 90 days after it becomes law.

AS/dfc/cjm

LS # 9782

01/29/2021

Proposed Int. No. 1830-A

By Council Members Ayala, Yeger, Kallos, Brannan, D. Diaz, Lander, and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to publication of 311 service level agreements

..Body

Be it enacted by the Council as follows:

Section 1. a. The 311 customer service center shall:

1. Post on the single web portal described in section 23-502 of the administrative code of the city of New York each agency’s service level agreements;

2. Provide a link to such posting in a conspicuous location on the 311 customer service center’s website; and

3. Create and maintain on a separate page of the 311 customer service center’s website information about service level agreements.

b. For purposes of this section, the term “service level agreement” means the maximum number of hours or days within which an agency has committed to review, take action on and close a particular category of requests for service or complaints referred by the 311 customer service center to such agency.

§ 2. Section 23-305 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to requiring 311 to notify each agency when a request for service or complaint has not been closed within the number of days specified by such agency’s service level agreement, as proposed in introduction number 1832 for the year 2019, is amended to read as follows:

§ 23-305 Service level agreements. a. Publication. The 311 customer service center shall:

1. Post on the single web portal described in section 23-502 of this code each agency’s service level agreements;

2. Provide a link to such posting in a conspicuous location on the 311 customer service center’s website; and

3. Create and maintain on a separate page of the 311 customer service center’s website information about service level agreements.

b. Notification to agencies. The 311 customer service center shall notify the applicable agency when a customer’s request for service, or complaint, referred by the 311 customer service center to such agency has not been closed within the time specified by such agency’s service level agreement.

c. Definition. For purposes of this section, the term “service level agreement” means the maximum number of hours or days within which an agency has committed to review, take action on and close a particular category of requests for service or complaints referred by the 311 customer service center to such agency.

§ 3. This local law takes effect 120 days after it becomes law, provided, however that section one of this local law is deemed repealed, and section two of this local law takes effect, on the date on which the local law for the year 2021 amending the administrative code of the city of New York, relating to requiring 311 to notify each agency when a request for service or complaint has not been closed within the number of days specified by such agency’s service level agreement, as proposed in introduction number 1832 for the year 2019, takes effect.

DFC/cjm

LS #10237

02/03/2021

1. The Official Website of the City of New York, NYC311, <https://portal.311.nyc.gov> (last accessed Dec. 9, 2019). [↑](#footnote-ref-2)
2. Committee Report, Committees on Governmental Operations and Technology, New York City Council, (Jan. 17, 2019), at page 2, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3723063&GUID=82CF9499-67A5-48FB-BAF1-2E230611B69B&Options=&Search>. [↑](#footnote-ref-3)
3. New York City Budget Office, Fiscal Brief: 311 Customer Service Center: More Calls and a Growing Budget, April 2008, p. 1-2, *available at* <http://www.ibo.nyc.ny.us/iboreports/311Apr08.pdf>. Examples of entities not incorporated into 311 are areas of New York City operated by certain authorities, such as the New York City Housing Authority, the Battery Park City Authority and the Roosevelt Island Operating Corporation. *See* Rachel Holliday Smith, *What’s the 311? Stranded in New York’s Service Hotline Deserts*, The City (Apr. 24, 2019), <https://thecity.nyc/2019/04/whats-the-311-stranded-in-n-y-s-service-hotline-deserts.html>. [↑](#footnote-ref-4)
4. Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2019) at 134, *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2018/311.pdf>. [↑](#footnote-ref-5)
5. Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2020) at 144, *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/311.pdf>. [↑](#footnote-ref-6)
6. *Id.* [↑](#footnote-ref-7)
7. *Id.* [↑](#footnote-ref-8)
8. *Id.* [↑](#footnote-ref-9)
9. *Id.* [↑](#footnote-ref-10)
10. Jan. 17, 2019 Committee Report, *supra* note 5 at 2. [↑](#footnote-ref-11)
11. *See* NYC OpenData, 311 Service Requests from 2010 to present, <https://data.cityofnewyork.us/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9> (last accessed Dec. 10, 2019); NYC OpenData, 311 Call Center Inquiry, <https://data.cityofnewyork.us/City-Government/311-Call-Center-Inquiry/tdd6-3ysr> (last accessed Dec. 10, 2019). [↑](#footnote-ref-12)
12. Committee Report, Committee on Governmental Operations, New York City Council, (Feb. 4, 2019), at page 4, *available at* <https://nyc.legistar.com/LegislationDetail.aspx?ID=3840384&GUID=0F7E3CF0-3DB1-49D3-8280-63036A475EE7&Options=&Search>. [↑](#footnote-ref-13)
13. *Id*. [↑](#footnote-ref-14)
14. Testimony of 311 Exec. Dir. Joseph R. Morrisroe before the Committee on Governmental Operations, New York City Council, (Feb. 4, 2019), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3541118&GUID=B2312F00-2894-40AC-9DEF-A54C44F9FCBC&Options=&Search>. [↑](#footnote-ref-15)
15. *Id*. [↑](#footnote-ref-16)
16. *Id*. [↑](#footnote-ref-17)
17. *See generally* Feb. 4testimony, *supra* note 20; Andrew Millman, *In Second 311 Oversight Hearing, City Council Examines Agency Responsiveness*, Gotham Gazette (Feb. 10, 2019), <https://www.gothamgazette.com/city/8271-in-second-311-oversight-hearing-council-examines-agency-responsiveness>. [↑](#footnote-ref-18)
18. Feb. 4testimony, *supra* note 20. [↑](#footnote-ref-19)
19. *See id*. [↑](#footnote-ref-20)
20. *Id*. [↑](#footnote-ref-21)
21. *Id*. [↑](#footnote-ref-22)
22. *See* The Official Website of the City of New York, NYC311 Look Up Service Requests, <https://portal.311.nyc.gov/check-status> (last accessed Dec. 9, 2019). [↑](#footnote-ref-23)
23. *See id*.; The Official Website of the City of New York, NYC311 Mobile App, <https://portal.311.nyc.gov/article/?kanumber=KA-01025> (last accessed Dec. 15, 2019). [↑](#footnote-ref-24)
24. Nov. 19, 2019 email correspondence with the Mayor’s Office of City Legislative Affairs, on file with Governmental Operations Committee staff. [↑](#footnote-ref-25)
25. Testimony of Joseph Morrisroe, *supra* note 4. [↑](#footnote-ref-26)
26. *Id.* [↑](#footnote-ref-27)
27. Saul McLeod, *Likert Scale*, Simply Psychology (2008), *available at* <https://www.simplypsychology.org/likert-scale.html>. [↑](#footnote-ref-28)
28. 2019 Mayor’s Management Report, *supra* note 7 at 144. [↑](#footnote-ref-29)
29. Millman, *supra* note 51; Jan. 17, 2019 hearing transcript, *supra* note 51 at 100 (exchange between Chair Koo and 311 Exec. Dir. Morrisroe). [↑](#footnote-ref-30)
30. *Id*. at 100-101. [↑](#footnote-ref-31)
31. Currently, the ten designated citywide languages are Spanish, Chinese, Russian, Bengali, Haitian, Korean, Arabic, Urdu, French, and Polish. *See* NYC Mayor’s Office of Immigrant Affairs, Language and Disability Access, <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page>. [↑](#footnote-ref-32)