



Annual Report of Activities of the Food Service Establishment Inspection Ombuds Office

This report summarizes activities by the New York City Health Department’s Food Service Establishment Inspection Ombuds Office (the Office) from July 1, 2017 through June 30, 2018, as required by LL2013/089 of the New York City Council.

Number, Nature and Resolution of Questions, Comments, Complaints and Compliments received by the Ombuds Office

The feedback received is summarized below:

- ***Complaints Food Service Establishments Regulated by the Health Department***

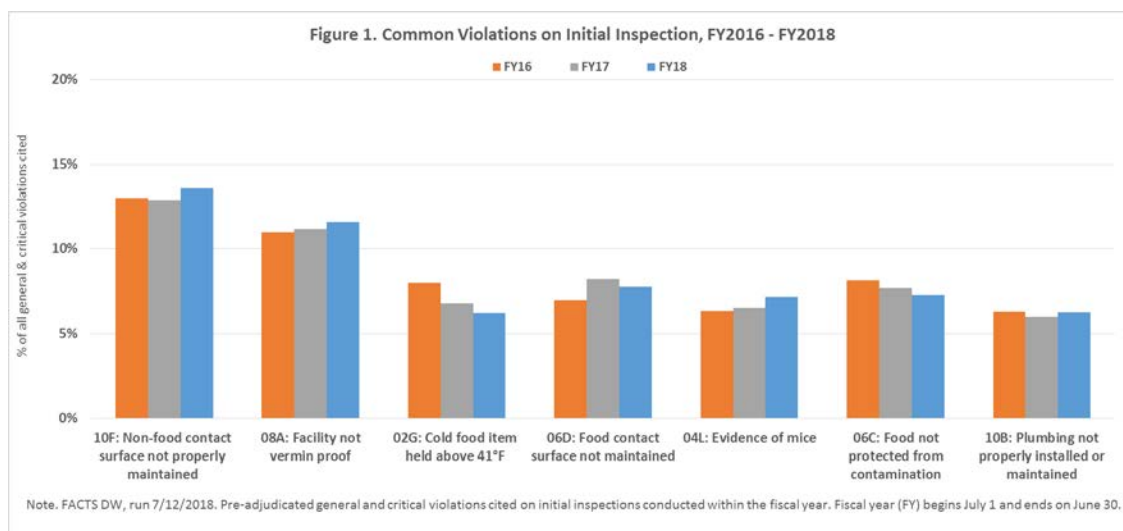
The Health Department received 10,656 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	2,852
Food Spoiled	1,038
Letter Grading	767
Bare Hands in Contact w/ Food	718
Food Contaminated	638
Food Contains Foreign Object	596
Kitchen/Food Prep Area	552
Pet/Animal	472
Food Worker Hygiene	416
Food Temperature	313
Odor	282
Toilet Facility	271
No Permit or License	250
Food Protection	231
Permit/License/Certificate	179
Food Preparation Location	173

Descriptor	# of Service Requests
Handwashing	150
Dishwashing/Utensils	128
Food Worker Activity	119
Facility Construction	96
Sewage	82
Ventilation	71
Food Worker Illness	47
Pesticide	42
Plumbing	38
Water	31
Allergy Information	31
Toxic Chemical/Material	31
Sign	25
Lighting	6
Milk Not Pasteurized	5
Sodium Warning	4

Annual Report on Activities of the Food Service Establishment Ombuds Office

General and critical violations most frequently cited on initial inspections over the past three years have remained fairly consistent, and generally reflect the category of complaints submitted by the public (Figure 1).



- **Comments about Inspections and Inspectors**

The Office received 244 comments, submitted by email, telephone or in person about inspectors and/or inspections. Thirty-six were compliments about inspectors, 51 were comments about inspections and letter grading, 60 were food safety-related questions, 64 were complaints about the professionalism and conduct of the inspectors and 33 complaints asserted that violations were incorrectly cited. The Health Department thoroughly investigated the disputed violations. Of the disputed violations, there was one violation withdrawn. See page 3 of this report for information about how complaints about inspectors are handled.

Guidance Documents

The Department publishes a variety of guidance documents on matters pertaining to FSE inspections. These are distributed through a variety of ways: Health Academy, industry partners, community events, 311, DOHMH [website](#) and mass e-blasts.

- **Best Practices for Pest Proofing Food Service Establishments** provides integrated pest management strategies to control rodents and other pests in food service establishments.
- **Non-Tobacco Hookah Establishments Compliance Guide** provides answers to frequently asked questions, so FSEs can better comply with the new regulation.
- **Updated Calorie Labeling Rule Compliance Guide** provides answers to frequently asked questions so FSEs can better comply with the new rule. This guide was updated in response to questions from the industry.
- **Inspection Cycle and Letter Grading** provides an overview of the inspection cycle and depicts how results determine letter grade and inspection frequency.

Annual Report on Activities of the Food Service Establishment Ombuds Office

- **Protect the Hearing of Staff and Customers in Your Restaurant or Bar Fact Sheet** contains information about how noise affects hearing and tips to reduce noise levels in FSEs.
- **Thermometer Calibration Guide** describes the steps for properly calibrating a thermometer to ensure that foods are held at proper temperatures.
- **Food Matters** e-newsletter highlights updated food safety regulations and provides strategies and recommendations for better compliance with the Health Code.

The Department received no requests for guidance documents.

Analysis of Trends and Inconsistencies Across Inspection Results

The Office received a total of 97 complaints in the two categories “professionalism of inspectors” and “violations incorrectly cited”, which is an increase over the previous reporting period. The Department believes the increase is primarily attributable to the increase in the number of inspectors performing inspections and the availability of additional data now collected from the Mayor’s Customer Service Feedback Survey. The Department continues to provide training for inspectors in customer service, communication skills, conflict resolution and Mental Health First Aid. In addition, supervisors and inspectors are better collaborating, creating a more holistic approach anticipating and preventing conflicts during inspections.

Of the 97 complaints received, 18 (19 percent) alluded to inconsistencies in inspector findings. The Department closely monitors inspection trends for inconsistencies. In these 18 cases, supervisors conducted follow-up inspections to verify inspector findings and provide inspection reports. The Department continues to work with inspectors to identify and address inconsistencies.

Recommendations for Improvements to the Inspection Process

The Office oversees the investigation process for inspector- and inspection-related complaints. For each complaint about an interaction with an inspector, a Health Department supervisor meets and discuss the concern with the inspector, asking generally about that inspection and then about the specific complaint. The supervisor counsels the inspector about ways to handle similar situations in the future. The supervisor closely monitors inspector performance and schedules periodic follow-up meetings and trainings. The meetings and trainings focus on coaching and professional development. When a complaint reflects a pattern of behavior by an inspector, the poor performance is documented and the employee is referred for disciplinary action.

Reports of negative interactions are also used to guide annual customer service training provided for all inspectors. Improvements to the current training modules to prevent or deescalate negative interactions included:

- How to help FSE operators better understand the public health significance of the violations
- How to make the inspection more educational rather than punitive
- How to better listen to operators to develop a better working relationship

Annual Report on Activities of the Food Service Establishment Ombuds Office

The following recommendations for improvements to the inspection process have been made to the Commissioner of Health:

- Create additional educational and train-the-trainer materials to help FSE operators better comply with the food safety regulations
- Further expand the current inspector training sessions with FSE operators, so inspectors will gain a better understanding of the food service industry from the operators' perspective

Community Outreach Initiatives

This year's outreach activities focused on community meetings, food safety workshops, and launching the Inspection History Report.

- **Community Meetings**

The Office organized and conducted 20 community meetings, which were held in every borough and throughout the year. The meetings focused on Health Code changes, promotion of consultative inspections, discussions of the grading and inspection processes, and technical matters related to food safety. Over 1,510 individuals – including small business owners, staff from city, and state agencies, and representatives from business organizations – attended the events.

- **Food Safety Workshops**

The Office organized and conducted a series of free food safety workshops, "Practicing 'A' Grade Food Safety," in May and June with the goal of providing FSE operators with assistance and incentive to achieve and maintain better standards in food safety. Workshops were held in all boroughs, with two events offered in Manhattan and were co-sponsored by Borough Presidents Adams, Brewer, Diaz Jr., Katz and Oddo. Translation services were available in Spanish, Mandarin, Cantonese and Bengali.

Workshop participants received information about food temperature control including hot holding, cold holding, cooling food, cooking food and reheating foods; and strategies for pest proofing the food service establishment.

Participants who registered in advance received an individualized Inspection History Report that highlighted their particular restaurant's repeat violations and explained the steps necessary to correct the condition. The Department generated and distributed 294 reports. All participants had the opportunity to ask questions and obtain immediate guidance from Health Department staff on improving food safety practices.

This year the Office introduced a tabling portion featuring other city agencies. Participants were given the opportunity to interact with representatives from the NYC Departments of Buildings, Consumer Affairs, Small Business Services, Environmental Protection, Fire Department, Office of Administrative Trials & Hearings, and Sanitation.

Annual Report on Activities of the Food Service Establishment Ombuds Office

The Office marketed the workshops by sending an email blast to food service establishments—allowing the Office to reach about 21,000 restaurants with information in English, Spanish, Traditional Chinese, Simplified Chinese and Bengali – and providing a direct link to the registration page. The Borough President offices also helped promote the workshops.

Over 400 people attended the workshops, with strong turnouts from every borough: 72 attended in Brooklyn; 46 in the Bronx; 175 in Manhattan; 99 in Queens; and 12 in Staten Island.

- ***Inspection History Report***

The Inspection History Report (IHR) is an individualized report that shows repeat violations from a restaurant's last three years of inspections and provides detailed instructions on correcting the food safety conditions, enabling a restaurant to focus on areas in need of improvement. Since January 2018, the Department increased access to and promoted the availability of the IHRs. FSE operators can request the IHR on the Department's [website](#). The Department received and fulfilled 27 requests.