



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, 2019 through June 30, 2020, 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 about Food Service Establishments Regulated by the Health Department***

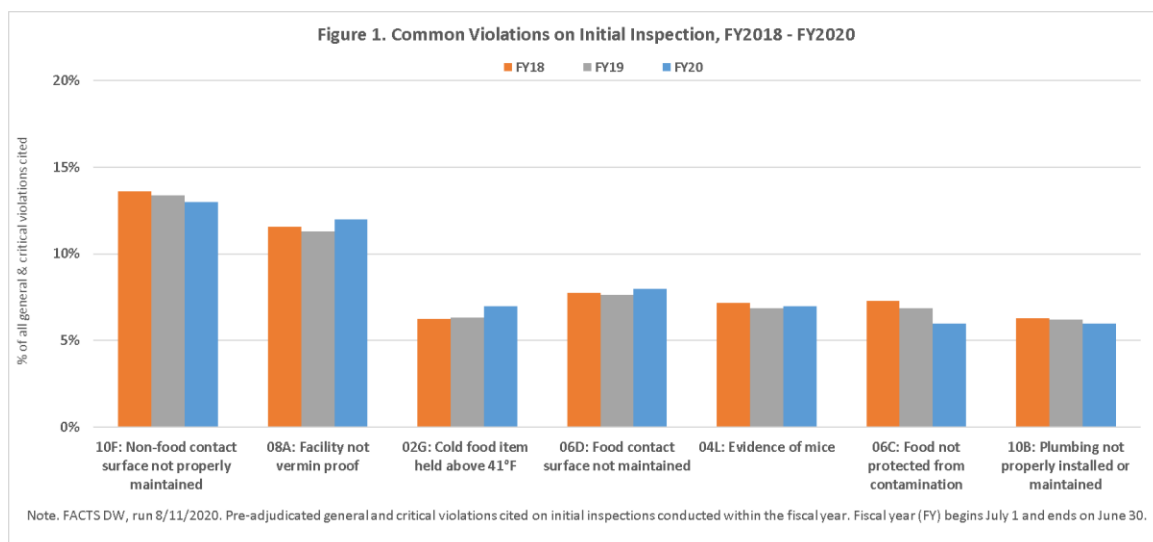
The Health Department received 10,015 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	2418
Bare Hands in Contact w/ Food	1255
Food Contaminated	989
Food Spoiled	903
Letter Grading	613
Food Contains Foreign Object	447
Food Worker Hygiene	426
Food Protection	422
No Permit or License	385
Pet/Animal	295
Food Temperature	257
Kitchen/Food Prep Area	237
Food Preparation Location	208
Toilet Facility	182
Facility Construction	158
Odor	154

Descriptor	# of Service Requests
Permit/License/Certificate	91
Handwashing	85
Dishwashing/Utensils	83
Food Worker Illness	73
Food Worker Activity	72
Allergy Information	57
Ventilation	43
Toxic Chemical/Material	42
Sewage	38
Plumbing	21
Water	18
Pesticide	17
Sign	10
Sodium Warning	8
Lighting	6
Milk Not Pasteurized	2

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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 87 comments, submitted by email, telephone or in person about inspectors and/or inspections. Eight were compliments about inspectors, 6 were comments about inspections and letter grading, 45 were food safety-related questions, 21 were complaints about the professionalism and conduct of the inspectors and 7 complaints asserted that violations were incorrectly cited. The Health Department thoroughly investigated the disputed violations. Of the disputed violations, there were no violations withdrawn.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 food safety and Department inspections. Documents are distributed in multiple ways including at the Health Department's Customer Service office and Health Academy, through industry partners, at community events, via 311, on the Health Department [website](#), by mail and email and on inspection reports. Recent documents include:

- **Quick Food Safety Guide for Food Service Workers** (*revised*) describes food safety best practices for food service workers and provides simple-to-follow guidelines ensuring that food is stored, prepared and served safely.
- **Required signs** (*translated to include additional languages*)
 - **Alcohol Pregnancy Warning Sign** states the harmful effects of drinking alcohol during pregnancy
 - **Food Allergy Poster** reiterates allergy-causing foods can be harmful, provides suggestion to prevent cross-contamination of allergens and lists the most common allergy-causing foods.

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- **Choking First Aid Poster** visual depiction of how to respond to and assist a choking victim.
- **Rules for Outdoor Dining with Dogs** provides requirements that patrons should follow when engaging in outdoor dining with their dog(s).
- **No Smoking Sign** displays the NYC Smoke-free Act Local Law No. 152 of 2013
- **Prohibited Sale of Tobacco** lists the tobacco products that are prohibited for sale to persons under 21.
- **Food Matters** e-newsletter highlights updated food safety regulations and provides strategies and recommendations for better compliance with the Health Code.
- **Inspection Report Form *Hot Topics*** is distributed at every completed inspection and provides updates on changes that affects how inspections are conducted.
- **COVID-19 Support** created guidance documents, checklists, tools, and other resources to help establishments comply with New York State COVID-19 mitigation mandates.
- **Adulterated Foods: What Food Service Operators Need to Know** provides information about adulterated foods prohibition and the Department's enforcement plan.
- **Children's Meals: What Food Service Operators Need to Know** includes new requirements for meals offered to children that are advertised as a children's meal.

Analysis of Trends and Inconsistencies Across Inspection Results

The Office received 28 complaints about professionalism of inspectors and violations incorrectly cited, compared to 35 complaints in the previous reporting period. This decrease may be the result of fewer inspections conducted overall due to COVID-19, as well as ongoing trainings 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 28 complaints received, only eight (29 percent) alluded to inconsistencies in inspector findings. The Department closely monitors inspection trends for inconsistencies. Supervisors conduct follow-up inspections (accompanied and unaccompanied) to verify and confirm inspector findings and provide inspection reports. The Department is continuously working 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 discusses 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

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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 as a guide for annual customer service training provided for all inspectors.

To continue to support the inspection process, the Office recommends that the Department introduce a new training session for inspectors that will help inspectors anticipate barriers and conflict and identify ways to overcome them. The Office also advises that the Department continue to offer training sessions for inspectors, at which they hear from current FSE operators. These sessions provide the inspector trainees an opportunity to gain a better understanding of the food service industry from the perspective of the operators.

Community Outreach Initiatives

This year's outreach activities focused on community meetings, an international food show, and providing the Inspection History Report. The Department also participated in multiple virtual meetings and town halls for restaurant operators about the NYS COVID-19 mandates.

- ***Community Meetings***

The Office participated in 11 community meetings, which were held in every borough and throughout the year. The information provided at the meetings focused on Health Code requirements, new local laws, promotion of consultative inspections, discussions of the grading and inspection processes, and technical matters related to food safety. Over 485 individuals – including small business owners, staff from city and state agencies, and representatives from business organizations – attended the events.

- ***International Restaurant and Food Service Show of New York***

The office participated as an exhibitor by providing food safety and public health information and presented in the largest food and beverage experience in the Northeast. Thirty-thousand attendees had the opportunity to see the newest food trends to the best in technology in the restaurant and foodservice trade industry. The Office conducted food safety workshops, "Practicing 'A' Grade Food Safety with the goal of providing FSE operators with assistance and incentive to achieve and maintain better standards in food safety.

- ***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. The Department continues to increase access to and promote the availability of the IHRs. FSE operators

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can request the IHR on the Department's [website](#). The Department received and fulfilled 50 requests.