

General Questions- MOLC Performance Oversight Hearing

1. Please provide, as an attachment to your answers, a current organizational chart for the agency, including the number of vacant, frozen, and filled FTEs in each division or subdivision. Include the names and titles of all senior personnel. Also provide the date that the information was collected on the chart.

SEE ATTACHMENT I- ORGANIZATIONAL CHART

- (a) Please provide an explanation of the roles and responsibilities for each division and subdivision.

SEE ATTACHMENT II- POSITION DESCRIPTIONS

- (b) Please provide a narrative explanation of any changes made during the previous year.

N/A

2. Please if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions provide, as an attachment, a current Schedule A for the agency, which identifies all employees by title/position, current salaries, fringe benefits, and program. This Schedule A should also indicate.

SEE ATTACHMENT III- SCHEDULE A

- a. For each vacant position, please provide the status of the agency's efforts to fill the position, as well as the position number, the title, the program number, the activity number, the grade, the salary, and the fringe associated with each position. Please also indicate whether the position must be filled to comply with Federal or local law.
 - b. For each filled position, please provide the employee's length of service with the agency.

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

RESPONSE: Sarah Jane Forman, MOLC Associate Director, has been detailed from our office to serve as the Interim General Counsel at Office of the State Superintendent (OSSE) since April 2015. She maintains certain responsibilities in this office, but her primary responsibilities pertain to the oversight of the OSSE office of General Counsel. The agency is currently interviewing candidates for the general counsel position. The hiring date for the new general counsel is unknown at this point.

4. Please provide the Committee with:
 - a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY15 and FY16, to date;
SEE ATTACHMENT IV- COMMUNICATION DEVICES
 - b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY15 and FY16, to date; **N/A**
 - c. A list of employee bonuses or special award pay granted in FY15 and FY16, to date;
SEE ATTACHMENT V- EMPLOYEE SALARY INCREASES
 - d. A list of travel expenses, arranged by employee for FY15 and FY16, to date, including the justification for travel;
SEE ATTACHMENT VI- TRAVEL EXPENSES
 - e. A list of the total overtime and workers' compensation payments paid in FY15 and FY16, to date, including the number of employees who received overtime and workers' compensation payments. **N/A**

5. With regard to the use of communication devices:
 - a. What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.
RESPONSE: FEMS tracks all mobile devices and who they are assigned to. These devices are given to essential personnel in the office.
 - b. How does your agency limit the costs associated with its mobile devices?
RESPONSE: We also prohibit downloading apps and dialing 411 on mobile devices.
 - c. For FY15 and FY16, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?
RESPONSE: The equipment was used equipment that was passed down to our office so there is no charge. In terms of the service plan, we are on a pool shared minute plan with the district governments.

6. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY15 and FY16, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures. **SEE ATTACHMENT VII**

7. For FY15 and FY16, to date, please list all intra-District transfers to or from the agency.
RESPONSE: There were no intra-District transfers for FY15. In FY16, there was a total of \$8,270. (\$1270 to OCTO for RTS / \$7,000 to EOM Support Services).

8. For FY15 and FY16, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a

description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure. **N/A**

9. Please list each contract, procurement, lease, and grant awarded, entered into, extended, and option years exercised, by your agency during FY15 and FY16, to date. For each contract, please provide the following information, where applicable: **N/A**
 - a. The name of the contracting party;
 - b. The nature of the contract, including the end product or service;
 - c. The dollar amount of the contract, including budgeted amount and actually spent;
 - d. The term of the contract;
 - e. Whether the contract was competitively bid;
 - f. The name of the agency's contract monitor and the results of any monitoring activity; and
 - g. Funding source.

10. For FY15 and FY16, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.
SEE ATTACHMENT VIII -- TRANSACTION DETAIL WITH ACCOUNTING CODES/NOTES

11. Please list all memoranda of understanding (MOU) entered into by your agency during FY15 and FY16, to date, as well as any memoranda of understanding currently in force. For each, indicate the date entered and the termination date.
RESPONSE: For FY16, the MOLC entered into a MOU with EOM Support Services.

12. Please list the ways, other than memoranda of understanding, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY15 and FY16, to date. **N/A**

13. Please describe any anticipated spending pressures for FY16. Include a description of the pressure, the estimated amount, and any proposed solutions.
RESPONSE: No there are no spending pressures for FY16.

14. Please provide, as an attachment, a list of all budget enhancement requests (including, but not limited to, capital improvement needs), for FY15 and FY16, to date. For each, include a description of the need and the amount of funding requested.
RESPONSE: No there were no enhancement requests for FY15 and FY16.

15. Please list, in chronological order, every reprogramming in FY15 and FY16, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the

reprogramming's for FY15 and FY16. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

RESPONSE: There were no reprogramming's for FY15. For FY16, there was a **\$43,000** reprogramming within the Mayor's Office of Legal Counsel (MOLC). The reprogramming allowed MOLC to acquire necessary goods and services to support the agency's mission. The original budget allocated all the Non-personal Services portion of the budget to one category, Supplies and Materials (CSG 20) in the amount of \$50,000. The reprogramming action redistributed to: Telephone (CSG 31) \$10,000 Various telephone upgrades and services; Other Services and Charges (40) \$16,000 to support travel (Local and Out of Town); Bar dues, Lexis-Nexis; Contractual Services (CSG 41) \$13,000 for Legal Services and Equipment (CSG 70) \$4,000 for small office equipment

16. Please list each grant or sub-grant received by your agency in FY15 and FY16, to date. List the date, amount, and purpose of the grant or sub-grant received. **N/A**
17. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding? **N/A**
18. Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant financial liability and/or will result in a change in agency practices, and the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case. **N/A**
19. Please provide the total number of administrative complaints or grievances that the agency received in FY15 and FY16, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. **N/A**
20. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY15 and FY16, to date, along with the agency's compliance or non-compliance with any recommendations. **N/A**
21. Please provide, as an attachment, a copy of the agency's FY15 performance plan. Please explain which performance plan objectives were completed in FY15 and whether or not they were completed on time and within budget. If they were not, please provide an explanation. **N/A**
22. Please provide, as an attachment, a copy of your agency's FY16 performance plan as submitted to the Office of the City Administrator.
SEE ATTACHMENT IX- FY16 PERFORMANCE PLAN

23. Please provide the number of FOIA requests for FY15 and FY16, to date. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time; the estimated number of FTEs required to process requests, and the estimated number of hours spent responding to these requests.

RESPONSE: The MOLC has not received any FOIA requests seeking records held or maintained by the MOLC. The MOLC adjudicates FOIA appeals. Any FOIA request concerning a MOLC matter/employee would be handled by the EOM's FOIA officer, Jim Slattery. With regard to appeals, in FY15 and FY16, to date:

- 40 have been wholly affirmed.
- 20 have been remanded in part.
- 17 have been reversed/remanded in full.
- 57 were moot, withdrawn, or dismissed for lack of jurisdiction.
- 4 are pending.
- 10.1 is the average number of days the MOLC has taken to adjudicate appeals.*
- 1 FTE and 2 legal fellows take primary responsibility for adjudicating FOIA appeals. Approximately 20 hours a week are spent on FOIA appeals.

*By District regulation, agencies are given five business days to provide an explanation of their response to a FOIA request. They may also request an extension beyond the five business days per regulation.

24. How does the agency solicit feedback from customers? Please describe.
- a. What has the agency learned from this feedback?
 - b. How has the agency changed its practices as a result of such feedback?

RESPONSE: We conduct and coordinate 10-12 legal training courses annually for all agency attorneys. These courses allow agency attorneys to fulfill their annual legal training credit requirements (12 credits, including 3 credits of ethics training). After each course, we distribute a short survey (six questions, and three short answers) in order to solicit feedback from the attendees, on the course, as well as the topics they would like to hear, new ideas, and general feedback. With the feedback received from FY15, we are tailoring all of our legal training courses for FY16 around the topics attorneys requested on their FY15 surveys.

Personnel

1. Please separately list each employee whose salary was \$100,000 or more in FY15 and FY16, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list. **SEE ATTACHMENT X**
2. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. **N/A**
3. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?
RESPONSE: We are working with other EOM agencies to develop performance evaluations for FY16.

Agency Operations

1. Please list each new program implemented by the agency during FY15 and FY16, to date. For each initiative, please provide:
 - a. A description of the initiative;
 - b. The funding required to implement to the initiative; and
 - c. Any documented results of the initiative.
2. Please explain the impact on your agency of any legislation passed at the federal level during FY15 and FY16, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note. **N/A**
3. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision. **N/A**
4. Please identify any statutory or regulatory impediments to your agency's operations, including any outstanding legislative requirements of the agency (e.g. implementation of rulemakings). **N/A**
5. Please identify all electronic databases maintained by your agency, including the following:
SEE ATTACHMENT XI - MOLC TRACKER FROM ALL MOLC ASSOCIATE DIRECTORS

- a. A detailed description of the information tracked within each system;
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.

6. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16.
SEE ATTACHMENT IX- TAB 9 MOLC PERFORMANCE PLAN FY16

7. What is the status of the collective bargaining agreement for agency counsel? **DISCUSS WITH RON**

8. How are performance reviews or evaluations handled for agency counsel?
SEE ATTACHMENT XII- AGENCY PERFORMANCE EVALUATIONS MEMO