

**TESTIMONY FROM NYCHA GENERAL MANAGER MICHAEL KELLY
“EXAMINING ELEVATOR SAFETY IN NYCHA HOUSING
FOLLOWING THE DEATH OF OLEGARIO PABON AT BOSTON ROAD
PLAZA”
COMMITTEE ON PUBLIC HOUSING
THURSDAY, APRIL 21, 2016 – 1:00 PM
COUNCIL CHAMBERS, CITY HALL, NEW YORK, NY**

Chair Ritchie Torres and members of the Public Housing Committee, and other distinguished members of the City Council: good afternoon. I am Michael Kelly, the New York City Housing Authority’s General Manager. Joining me today are Luis Ponce, Senior Vice President for Operations Support Services; Brian Clarke, Senior Vice President for Operations; Patrick Wehle, Assistant Commissioner of External Affairs for Department of Buildings, and other members of our executive and Operations leadership team.

Before I begin, I want to take a moment to acknowledge the recent passing of Mr. Igor Begun, a dedicated NYCHA Elevator Mechanic Helper for the past six years. Mr. Begun was found unresponsive in the elevator machine room at Coney Island Houses last Friday and could not be revived. I’d like to offer my sincere condolences to his wife and family on behalf of the entire NYCHA community.

While we are awaiting the Medical Examiner’s findings for Mr. Begun and a full accounting of the facts surrounding last Friday’s incident, we do have the results of a full investigation into tragic elevator failures from December at Boston Road Plaza and Morris Houses.

I appreciate the opportunity to explain the immediate and long-term corrective actions NYCHA has taken since these incidents and Department of Investigations (DOI) report findings.

It’s also important for us to acknowledge the life of Mr. Pabon that was lost at Boston Road Plaza. I know there are no words that can comfort his wife and

family when they have experienced this type of loss, but on behalf of the Authority, I would like to sincerely express my deepest sympathies.

In addition, I would be remiss not to mention the injuries that Mr. Brown incurred on December 2 at Morris Houses in the Bronx.

As General Manager, I know remorse is not a remedy, especially for the Pabon and Brown family, and for the elected officials here today. Be assured, I am personally committed to taking every precaution to prevent this from happening again.

A Culture of Accountability

The fatal accident at Boston Road Plaza on Christmas Eve, December 24, 2015, forced NYCHA to face several troubling truths and systemic failures. Beginning with the fact that I was notified of the accident on December 28—4 days after it took place—this is unacceptable. NYCHA’s review and cooperation with DOI, revealed this incident was the result of equipment and part failures; people failures; communications breakdowns, and most concerning—a fractured culture or dismissive way of thinking by some.

Don’t get me wrong, our 11,000 employees are among the City’s finest. They are the unsung heroes that have repeatedly risen to the challenge when asked to do more with less. They perform emergency repairs, maintain our properties, and keep NYCHA running on a daily basis.

The incident at Boston Road Plaza brought something to the surface that we can’t ignore. When faced with an elevator hazard that posed a serious risk, members of the Boston Road staff reported to the DOI things like “it’s not my job” and “I just wanted to go home.” These casual references tap into an indifference that undermines every aspect of what we are trying to change at NYCHA. This is unacceptable.

First, all employees are responsible for being proactive to prevent accidents and injuries when there is a potential hazard. Whether a caretaker or the General Manager, if staff have knowledge of an elevator risk that threatens the potential safety of NYCHA employees or residents—a hazardous condition in *our* workplace and in *their* homes—it is incumbent upon every NYCHA employee to act, communicate, and escalate. Failure to do so and to do so without urgency is simply unacceptable.

Second, this incident forced us to look inward at a way of thinking (which exists beyond Boston Road Plaza) that mirrors the neglect of our buildings from decades of disinvestment and broken promises: A resigned attitude by a small few; a feeling that we can't make things better because of seemingly insurmountable challenges—from decaying buildings to inadequate headcounts and budgets. Over time, situations or conditions that are *unacceptable* become *accepted* because it's been that way. Low morale breeds indifference, contributing to unacceptable conditions, news-grabbing headlines, and just one more reason for funding to be rolled back and public housing to be dismantled.

We cannot afford indifference and I will not stand for it.

Over the past year, I've worked with the Chair to change NYCHA and reset relationships with both employees and residents that have strained over the years. In writing a new chapter on how we do business, we are working daily to cultivate a high-performing culture, which learns from failures and setbacks, metrics and scorecards. And while we still have a ways to go (especially in changing our culture), we will not tolerate the old NYCHA. We cannot come up with excuses to pass the buck or turn a blind-eye to glaring mismanagement, poor judgment, or actions that do not reflect the values of the Authority we continue to reform.

The time for change and ownership is right now.

NYCHA's Elevator Safety: Constantly Improving & Evolving

Before I get into NYCHA's corrective actions on elevators as a result of the Boston Road Plaza and Morris Houses incidents, I wanted to take a step back to give some important context on NYCHA and our elevators.

Elevators are essential for the mobility of our residents, considering 1,658 of our buildings are more than 5-stories tall. Our 3,314 elevators work 24/7, taking 1.2 billion trips a year.

Back in 1980, NYCHA had 390 employees dedicated to elevator maintenance and spent \$17 million a year on elevator maintenance. More than three decades later, with nearly the same number of elevators, NYCHA now has 503 elevator maintenance staff, a team that is experienced and well-trained; our elevator mechanics each carry an average of 15 five years of elevator repair and maintenance experience. In addition, we now invest on average \$80 million a year in elevator maintenance.

The strain on NYCHA's elevators and the attention required to keep up with necessary safety enhancements is an ongoing challenge for the Authority. We are constantly updating and improving safety measures, because the demands of our work require it.

The historical numbers on elevator safety and responses are striking.

Between 1984 and 1991, 11 youth tragically lost their lives playing elevator games, which prompted the Housing Police to create an Elevator Vandalism Squad and a public awareness campaign.

In 2008, after a tragically fatal incident involving a five-year-old boy named Jacob Neuman, NYCHA completely overhauled its elevator safety with an

investment of more than \$250 million for elevator modernization. This overhaul included more staff and the replacement of 570 elevators in 66 developments. At the time, an initial \$14 million was also invested for staffing, and resources to improve maintenance.

While NYCHA is committed to taking every precaution to prevent elevator incidents and accidents, the tragic loss of Mr. Pabon and the injury of Mr. Brown last December prompted another hard look at NYCHA's elevator equipment, procedures, emergency communications, and staff conduct. Fully cooperating with the DOI's thorough investigation of the Boston Road Plaza and Morris Houses accidents, NYCHA identified systemic failures and breakdowns that required prompt attention. Currently, NYCHA has identified and begun to implement over 40 corrective actions across four key areas: (1) Duty and Accountability, (2) Communications and Systems, (3) Training and (4) Policies and Procedures.

Corrective Actions: Policies and Procedures

First, I'll talk about our corrective actions regarding NYCHA's policies and procedures. The Boston Road Plaza and Morris Houses incidents revealed several gaps in these areas. In response, I've implemented a series of protocol enhancements to improve elevator safety:

- New brake monitor protocol requires the inspection of brake monitors (or other elevator safety devices) when preventative maintenance is performed, when elevator brake systems are inspected, and when elevators are restored to service. These procedures have been adopted.
- We're expanding and refining the range of problem codes and classifications so that elevator emergencies can be classified by Customer Contact Center (CCC) staff more accurately and operations staff can prioritize accordingly.

- An emergency elevator situation that poses imminent danger requires an emergency response. Any hazardous, life-threatening elevator conditions that are flagged by CCC will be escalated to 911 for FDNY response, no matter the time of day. This protocol has been adopted and staff is being trained.

Corrective Action: Communications & Systems

Next, I'm going to discuss corrective actions to our Communications and Systems. Through a full accounting of these incidents, it is clear there were unnecessary barriers between information and emergency action. To fix this, NYCHA has begun the following steps:

- Elevator dispatch staff are now required to share all notes captured in the complaint with the elevator mechanic so that our maintenance staff can identify all relevant details of a complaint. This will provide another level of safety assurance in assessing the potential hazard and prioritizing NYCHA's response.
- We are creating a "Skill Group" in our CCC, comprised of specially-trained customer service representatives in elevator issues, with the ability to escalate concerns and questions to a Supervisor in our Elevator Program.
- Creating a regulation monitoring system for program compliance, which will include a stakeholder working group comprised of affected departments (operations and maintenance, capital projects and law); real-time updates and alerts; a protocol for policy, procedure and training implementation; and additional staff capacity on the elevator code committee.
- NYCHA has also started conversations with FDNY to determine how we can improve communications between 911-dispatched emergency responders and NYCHA for major incidents and accidents related to or on NYCHA properties.

Corrective Action: Training

Now, I'm going to talk about our corrective actions with respect to our training. We've revised procedures and communications protocols and we will improve staff training and expand the materials made available to the Customer Contact Center staff.

- Elevator staff have trained CCC supervisors on elevator functionality and hazards to help better train call-takers on properly identifying and coding an elevator hazard. More detailed triage questions were also developed to help better match the problem with the right priority code.
- NYCHA is enhancing current training with on-site field training tailored for the Elevator Service & Repair Department to identify and prevent dangerous conditions related to emergency brake systems, regulations and protocols.
- We are also working with the Department of Buildings to explore additional training and certification options, including the National Association of Elevator Safety Authorities certification and manufacturer training where possible.

Corrective Action: Duty & Accountability

Finally, I'll talk about the actions we're taking regarding duty and accountability.

As the facts of the Boston Road Plaza and Morris Houses incidents surfaced, I was struck by staff attitudes and how they lacked a sense of urgency, and their failure to act proactively or at all to prevent future injury or accident. If a NYCHA employee has knowledge of an elevator risk—or any dangerous condition—that threatens safety (whether real or rumored), it is incumbent upon every employee

to act, communicate, and escalate. This message is already part of our training, procedures and code of conduct, but it needs to be reinforced in numerous ways.

- Disciplinary actions were taken against 6 employees who failed to do their job and enforce the safety of NYCHA residents in connection with the Boston Road Plaza accident. Five employees have been reassigned and the head of the elevator division has been relieved of his day-to-day duties related to monitoring building codes and inspections. A new Acting Director of Elevators, Ivo Nikolic, has been appointed. Mr. Nikolic holds a Master's Degree in Engineering and has demonstrated leadership in the areas of operational performance and quality assurance.
- Elevator staff must report all elevator problems to their supervisor and Customer Contact Center operators are to escalate calls to their shift supervisor if there is any question as to the level of danger being described. We are also improving the staff training at the call center and have expanded the materials made available to CCC staff.

Shifting NYCHA's Culture

What we learned from the Boston Road Plaza and Morris Houses incidents is that we must change NYCHA's culture – so that each and every employee is empowered to take ownership. A hazardous condition in our workplace is a hazardous condition in our residents' homes. Every employee, at every level is responsible for keeping NYCHA residents and developments safe.

First, NYCHA is beginning to shift this culture by changing the way we do business. One strategy we have implemented is empowering property managers by allowing them to make decisions at the local level. Property managers no longer have to wait for sign-off from senior staff to make decisions about their developments. This means property managers can build their own budgets, hire staff, and make emergency repairs faster. It translates to more ownership,

resulting in property managers who take more pride in their work, as well as ingraining in development staff a culture of responsibility.

Second, we will enhance and expand our Quality Assurance program. Currently, as part of our Elevator Safety Plan, NYCHA quality control inspectors carry out monthly elevator inspections citywide to ensure compliance with elevator procedures and policies. Based on these inspections, any inconsistencies found are adjusted and any necessary repairs are made. Moving forward, we will build upon our quality assurance inspections to ensure that employees at every level—from CCC call-takers to development and elevator staff—are following correct procedure to act, communicate, and escalate when there is a potential hazard that threatens the safety of NYCHA residents or employees.

In addition, I have implemented the following strategies:

- To help bridge the gap between central office and frontline staff, all senior NYCHA staff members dedicate a half day monthly to visit developments and meet with frontline staff. This is an opportunity for senior staff to hear from employees about what goes on at the property level, and to discuss first-hand how, with their help, the Authority can make NYCHA communities safe, clean, and connected for both residents and employees.
- To foster accountability at every level, we’re working to enhance workplace safety training that reinforces the basic principles of “See Something, Say Something” when it comes to hazards in our workplace. We plan to take every opportunity to remind staff that our workplace, is also the place others call home. A hazard to staff is a hazard to residents.

Threaded throughout all of these corrective actions and initiatives is quality assurance—systems for evaluating whether new protocols, systems or trainings are actually working. This will help us constantly improve and identify additional weaknesses in our safety and response systems.

Conclusion

What happened in this tragedy is simply unacceptable. As the General Manager, I will ensure that we do better because we must do better and because our residents deserve better.

Thank you for the opportunity to testify today and I am happy to answer any questions you may have.