

Requirements for Posting Letter Grade Cards

A Guide for Food Service Operators and Their Representatives

The New York City Health Department requires that restaurants publicly post A, B or C letter grade cards that summarize their sanitary inspection scores.

Not posting a grade card—or posting it incorrectly—is a serious violation that may result in large fines or loss of your permit. To avoid penalties, food service operators and their representatives and attorneys should follow these instructions carefully. For complete information about the Health Department's letter grading system, please visit nyc.gov/health/foodservice, or call 311.

1. Where does the grade card have to be posted?

The grade (or grade pending) card must be posted on a front window, door or outside wall where it is easily seen by people passing by. The card must be within five feet of the entrance and from four to six feet off the ground or floor. If there is no direct entrance to the street, the Health Department sets the place to post the card.

The Health Department tracks each grade card by its serial number. It may issue a Notice of Violation to any establishment that fails to post the right card, or posts it in the wrong place.

2. When am I required to post the grade or grade pending card?

The restaurant must post the grade or grade pending card as soon as the inspector provides it. If the restaurant receives both a grade card and a grade pending card, the operator has the choice of posting one of these two cards immediately, until it has had the chance for a hearing at the Office of Administrative Trials and Hearings Health Tribunal.

3. Are there penalties for failing to post the grade card or posting it incorrectly?

Yes. Not posting a grade card can result in fines of up to \$1000. Posting the grade card incorrectly can result in a \$200 fine. Repeated violations may result in loss of your permit.

4. How do I get a hearing at the Health Tribunal?

Everyone who receives a Notice of Violation has the right to a hearing at the Health Tribunal. Your scheduled hearing date is printed on the front of the Notice. Directions for how to respond to the Notice are on the back.

5. I had my hearing and I was given a new grade card. What should I do with it?

When a restaurant receives a grade card at the Health Tribunal, it means that the Hearing Examiner's decision changed the restaurant's inspection score enough to change its grade.

You must immediately:

- Post the grade card issued by the Tribunal, and
- DESTROY the letter grade card and grade pending card that the inspector gave you at the inspection.

6. I had my hearing but I was not given a new grade card. Which card do I post now?

If you did not receive a new grade card at the Health Tribunal, it means that the Hearing Examiner's decision did not change the restaurant's inspection score enough to change its grade.

You must immediately:

- Post the grade card that the inspector gave you at the inspection, and
- DESTROY the grade pending card.

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7. My restaurant accepted a settlement offer. Which card do I post now?

If you accepted a settlement, your inspection score and grade did not change.

You must immediately:

- Post the grade card that the inspector gave you at the inspection, *and*
- DESTROY the grade pending card.

8. What if I miss my hearing date at the Health Tribunal?

If you do not respond to your Notice of Violation by:

- 1) accepting a settlement offer;
- 2) appearing at the Tribunal on your hearing date;
- 3) writing to the Tribunal for a hearing by mail; or
- 4) asking on or before your hearing date for an adjournment:

You must immediately:

- Post the grade card that the inspector gave you at the inspection, *and*
- DESTROY the grade pending card.

9. I asked for a new hearing date ("adjournment"). What card do I post in the meantime?

If this is the first adjournment you requested, you can continue to post your grade card or grade pending card. If you ask for another adjournment or miss your second hearing date, you must post the letter grade card that the inspector gave you at the inspection.

10. What if I receive a default decision?

If you received a default decision, it means that you did not respond to your Notice of Violation. You were required to post your grade card on the day you missed the hearing. If your grade card is not posted when you receive a default decision:

You must immediately:

- Post the grade card that the inspector gave you at the inspection, *and*
- DESTROY the grade pending card.

11. Do I have to post the actual grade card? Can I post a photocopy or fax instead?

You must always post the actual letter grade card as required (*see Question 1*). You cannot substitute a photocopy or fax for the real grade card.

12. How do I replace a lost or damaged card?

You can get a new card at the Health Department's Bureau of Food Safety and Community Sanitation, 253 Broadway (between Murray and Warren), 4th Floor, in Manhattan.