

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #06/22-057: Preliminary Determination Pursuant to the Audit of the New York City Fire Department's (FDNY) Equal Employment Opportunity Program from July 1, 2003 to June 30, 2005.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, the Equal Employment Practices Commission audited the New York City Fire Department's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the New York City Fire Department's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy booklet (2001) and the separate EEO Policy Statements (2004) were never updated and, consequently, did not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
2. The agency's EEO policies were not available in alternate formats for persons with disabilities.
3. The agency never distributed the Section 55-A Program brochures to all employees. (Sect. IIB, EEOP)
4. The agency did not have individuals of both sexes available to investigate discrimination complaints during the audit period.
5. There were an insufficient number of EEO professionals to handle a large backlog of discrimination complaints during the audit period.
6. Seventeen of the newly chosen EEO Counselors had not been scheduled for EEO training. (Sect. VB, EEOP)

7. For the majority of internal discriminations filed during the audit period, the EEO investigator's confidential written report was not issued within 90 days of the filing of the complaint. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment)
8. Files of four of the 10 most recently filed complaints indicate that the investigations were not completed within 90 days and did not contain the required delay notification letters. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment.)
9. FDNY did not provide structured interview training for employees who conducted job interviews. (Sect. IV, EEOP)
10. The agency did not conduct adverse impact studies. (Sect. IV, EEOP)
11. The agency did not notify all employees in writing of the name, location, and telephone number/email of the Career Counselor. (Sect. VB, EEOP)
12. The EEO Officer could not provide the EEPC with copies of her handwritten notes with the Commissioner regarding EEO program operational decisions.
13. The EEO Officer was not involved in selecting recruitment media or developing recruitment strategy. (Sect. VC, EEOP)
14. The EEO Officer was unsure if supervisors and managers were directed to discuss the Department's EEO policies with their subordinates. (DCAS, "Model Agency EEO Commitment Memo")

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the New York City Fire Department's Commissioner, Nicholas Scoppetta, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Fire Department will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on December 14, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #09/07-057C: Determination of implementation by the New York City Fire Department of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York City Fire Department's Charter-mandated Equal Employment Opportunity Program from July 1, 2003 to June 30, 2005.

Whereas, pursuant to Chapter 36, Section 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the New York City Fire Department (FDNY), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 14, 2006, setting forth its findings and recommended corrective actions; and

Whereas, the FDNY submitted its responses to EEPC's preliminary determination letter, February 8, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on February 22, 2007, identifying those recommendations accepted and rejected by FDNY; and

Whereas, in response to the EEPC's final determination letter, the FDNY submitted its response on May 31, 2007; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the FDNY for a period not to exceed six months, from November 1, 2007 through April 30, 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the FDNY submitted its last monthly report on May 16, 2008, with three recommended corrective actions remaining; and

Whereas, the EEPC informally granted the FDNY a six-month extension of the compliance period from May to October 2008; and

Whereas, the FDNY submitted further documentation in August and September 2008; and

Whereas, the FDNY submitted a letter requesting an extension of compliance on October 14, 2008;
and

Whereas, the FDNY submitted its last Compliance Report, on March 10, 2009; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy. Now Therefore,

Be It Resolved,

that the New York City Fire Department has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

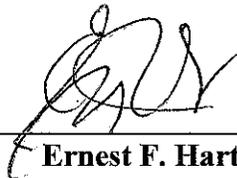
Be It Finally Resolved,

that the Commission authorizes the Chair Ernest F. Hart, Esq., to forward a letter to the New York City Fire Department Commissioner, Nicholas Scoppetta, formally informing him that the FDNY has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 12, 2009.

**Angela Cabrera
Commissioner**

**Cesar A. Perez, Esq.
Commissioner**



**Ernest F. Hart
Chair**



FIRE DEPARTMENT

9 METROTECH CENTER

BROOKLYN, N.Y. 11201-3857

NICHOLAS SCOPPETTA
Fire Commissioner



MEMORANDUM

TO: All Agency Staff

FROM: Nicholas Scoppetta *NS*

DATE: August 22, 2008

SUBJECT: Commitment to Equal Employment Opportunity (EEO)

The Fire Department is committed to preventing discrimination by: (a) insuring that all employees are aware of their rights and responsibilities under the EEO Policy; (b) monitoring fair employment practices for all of our employees; and (c) encouraging a work environment that appreciates and respects differences among employees.

Each of you has a special responsibility to ensure that employees value and foster fairness, equity and respect in the work place and strive to promote diversity throughout the Fire Department. It is important to me that all personnel work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

Recently, we succeeded in attracting a qualified group of diverse men and women to fill our uniformed ranks. We expect this unprecedented effort to translate into the hiring of more diverse firefighters than ever before and this means that the FDNY will become more representative of the communities it serves. I am extremely pleased with the results of our years of sustained effort to increase firefighter diversity.

The Department's commitment to preventing discrimination is also manifested by embracing many of the recommendations of the Equal Employment Practices Commission, issued after a recent audit. To ensure Department-wide compliance, I urge you to make sure that our managers and supervisors:

- Collaborate with the EEO Officer and Personnel bureau to integrate equal employment opportunity into all hiring, promotion, compensation, transfer, training, evaluation, separation, and other personnel decisions. It is important that our EEO Officer provides input on personnel decisions, assists managers and senior staff in addressing EEO and diversity issues,

familiarizes and trains our staff about EEO laws, and investigates EEO complaints.

- Conduct documented meetings with staff at least twice a year to reaffirm our commitment to the Fire Department's EEO Policy and to discuss the rights of the employees to file EEO Complaints with our EEO Officer and/or EEO Counselors.
- Commit the resources necessary to increase the diversity of qualified people in the management ranks and in the pipeline to management. When you have selection opportunities, you should involve both EEO and human resource staff members to ensure equal employment opportunity in recruitment, selection, leadership development and succession planning decisions and take responsibility so that these decisions maximize our ability to attract, develop and retain all talented people.
- Familiarize yourself with structured interviewing materials when you are conducting employment interviews, and consult with the Fire Department's Career Counselors in the Personnel Bureau, (Eve Charlack for civilian personnel and Aurora Gabriel Perez for EMS and Fire personnel), for advice and information about career counseling opportunities.

I look forward to working with you as we continue to do everything we can to attract and retain the best and the brightest in all areas within the Fire Department.