



FIRE DEPARTMENT • CITY OF NEW YORK
Supplement No. 35 to Department Order No. 45
June 28, 2012



2.1.1 UPDATE ON RECENT FIREFIGHTER EXAM, LAWSUIT AND OTHER ISSUES

On the heels of our recent historic recruitment effort that engaged more than 130,000 individuals and resulted in the largest – and most diverse – number of applicants ever for a firefighter exam, I wanted to update you on the progress we have made and our hope to begin hiring in the near term, as well as the status of the lawsuit involving the prior firefighter exams. I will be sending updates like this regularly in the months to come.

First, I want you all to know I am honored to lead a Department that has so many dedicated and brave firefighters and I take great pride in the work that you do every day. I am very pleased that, despite the extraordinary demands and dangers of the job -- sadly demonstrated by the ever-expanding list of names on our memorial walls -- more than 42,000 people from in and around our diverse and vibrant City now want to join the FDNY.

Years ago this Department and the City recognized the need to improve diversity in the firefighter ranks. We made this a priority goal in every FDNY Strategic Plan since 2004, ranking the importance of diversity along with efforts to improve operations, safety and technology. The FDNY committed itself then, and remains committed now, to diversifying the ranks so that we become more reflective of the City we serve.

Our core strategy to improve diversity has been to dramatically enhance our recruitment efforts. This strategy seeks to equalize opportunity by making sure all communities know that being an FDNY firefighter is a great job. As a result of our rigorous recruitment campaigns, we successfully increased interest in both recent exams, with people of color comprising more than 37 percent of those who took the 2007 test, and nearly 46 percent of those taking the 2012 exam. In addition, more women took the recent test (1,952) than the total number that took the three previous exams. Clearly, our aggressive and sustained recruitment efforts have worked and we will continue to build upon these successes in the future.

With respect to the recent firefighter exam, I believe that the planning, development and administration of the test was done appropriately. The court-appointed Special Master, Mary Jo White, who oversaw test development, and key stakeholders – including the U.S. Department of Justice and Vulcan Society -- were involved throughout the many steps in the process. More than 400 active firefighters responded to the job analysis survey that was conducted by the City's testing expert; more than 100 fire officers participated in evaluating the important aspects of the job; and 800 firefighters took a developmental form of the test last September. I want to thank everyone who participated in this effort to ensure that the new exam appropriately tested applicants for the ability to do the job. As a result of these efforts, I have every reason to believe that this test properly assesses candidates for appointment to firefighter.

Currently, with more than 600 vacancies, we want to hire new firefighters as soon as possible. We hope that the final steps necessary to demonstrate the test is job-related are performed expeditiously and that a hiring list is soon established. Ultimately, the Court will decide if the exam was valid and whether a list will be certified.

The City has appealed the Court's intentional discrimination ruling and its order appointing a judicial monitor to oversee the Fire Department's recruitment, EEO, and applicant processing functions for the next ten years. The City's appeal was heard on June 26, 2012, before the U.S. Court of Appeals for the Second Circuit, and we expect a decision to be issued in a few months.

In the meantime, we have done a great deal of work to improve diversity and ensure equal opportunity for all applicants and members. We are working hard to stay connected with applicants and keep them updated and apprised of the status of the exam and the processes and additional required steps toward appointment. We also retained a number of experts to assess our recruitment efforts, the entire selection process, and our EEO training and compliance. We have already implemented some of their recommendations, and will continue to work with them on further improving our efforts in these and related areas.

And while there are many different viewpoints on the litigation and the multiple issues it presents, I want to emphasize that behavior that disrupts or is likely to disrupt FDNY operations will not be tolerated. Nor will we condone any act of retaliation against anyone who is party to or part of the DOJ/Vulcans case, or who interacts with our EEO office. We recently reinforced the importance of strictly complying with Department rules and regulations pertaining to wearing only Department-issued clothing in the firehouse, and prohibiting the posting of anything other than Department-issued material on firehouse bulletin boards and walls. We will strictly enforce all of these rules and anyone who violates them will be subject to Departmental discipline.

I know from personal experience as a firefighter how arduous and dangerous the work is. Our work requires peak performance, clear attention and excellent teamwork. This is not news to any of you. It is the responsibility of every member of the Department to observe the highest standards of conduct that will build and maintain our strong team ethic, and not disrupt or compromise the fulfillment of the FDNY's critical public safety mission.

I am certain we are on the right path to becoming a Department that will better reflect the diversity of the city we serve, and that we will become stronger as a result. I thank you for your outstanding service to the Department and I know that working together we will continue to make it even better in the years to come.

A handwritten signature in black ink, reading "Salvatore J. Cassano". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Salvatore J. Cassano, *Fire Commissioner*