



FIRE DEPARTMENT • CITY OF NEW YORK
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2.1.1 MESSAGE FROM FIRE COMMISSIONER SALVATORE J. CASSANO
Updates on Firefighter Exam, Federal Lawsuit

FIREFIGHTER HIRING TO COMMENCE

The approval last Friday of the Open Competitive Firefighter exam by a federal judge is welcome news that will allow us to soon begin hiring Probationary Firefighters from Promotional Exam #2500 and Open Competitive Exam #2000.

We expect to hire 600 or more firefighters per year over the next four years, drawing first from the Promotional list and then the Open Competitive list. We expect test-takers to receive their scores very soon. Also, the Court ordered the City to hire up to 293 Black and Hispanic candidates who took the 1999 or 2002 firefighter exams but did not get hired. The process for identifying these candidates is underway and is being conducted under the supervision of four Special Masters. Presently, we have more than 650 firefighter vacancies.

Several weeks ago - in anticipation of hiring a class as early as January 2013 and with permission from the court - we began preparing to process candidates from the Promotional Exam, which was taken by more than 870 EMT's and Paramedics. Last week, they began attending the 12-week prep course for the Candidate Physical Ability Test (CPAT). Those who passed the computer-based written exam and who pass the CPAT (and who successfully complete all other job requirements and conditions) will be considered for appointment as Firefighters. Under Civil Service rules, candidates on the Promotional list receive priority hiring over those on the Open Competitive list.

In June, I expressed confidence that the test would ultimately be approved by the Court because of the careful and detailed planning that went into making the exam, which was developed by the testing firm PSI. Of great importance was the involvement of all major stakeholders, including testing experts representing the U.S. Department of Justice and the Vulcan Society; the City's Department of Citywide Administrative Services (DCAS); and uniformed and civilian staff from the FDNY's Bureau of Human Resources. The court-appointed Special Master for exam development, Mary Jo White, coordinated all of this work. Ms. White briefed both fire unions regularly on the progress of the test development. The amount of work that went into creating this exam over an 18-month period was unprecedented.

Most significant to me is the fact that more than 1,400 active firefighters and fire officers played a significant role in the development of the exam. First, 189 firefighters and officers participated in a comprehensive job analysis that included pre-test focus groups, surveys, interviews and workshops. This information provided a basis for designing the test to measure important abilities that our own members indicated were required for successful job performance. Based on this input, test development focused on ten major content areas, including five cognitive abilities (ability to learn and apply information, reading comprehension, basic arithmetic, listening comprehension and reasoning), and five non-cognitive characteristics (conscientiousness, agreeableness, emotional stability, interpersonal competence and honesty/socialization).

PSI then administered a "practice" or developmental form of the exam to 742 active firefighters, as part of the validation study to select the most job-related test components. One key objective in the validation process was to determine whether scores on the exam could be correlated to the actual job performance of our 742 firefighters. PSI accomplished this by matching special job performance evaluations done by the fire officers who supervise those firefighters with the scores those same firefighters achieved on the developmental exam, as well as with their performance on tests and exams during Probationary Firefighters School at the Fire Academy.

PSI's analysis showed that the firefighters who received the best evaluations from their officers and had performed well in Probationary Firefighters School generally did better than their peers on the developmental exam.

This led Judge Garaufis to conclude:

"The data showed a significant correlation between success on academy scores and success on the exam, and between success on some of the test components and candidates' performance reviews. Based on the results of this study, the exam was assembled."
(Court's Memorandum and Order, 9/28/12, p. 8.)

The Court then approved use of the list in rank order. It is important to note that PSI's grading system – which they established prior to the administration of the test – was used to mark the exam and was not adjusted in any way post-exam.

Based on all these facts, I am firmly convinced that this test was fair and job related. Our ability to hire in rank order makes me very confident that those hired off the new lists will become excellent firefighters.

Thank you to all our members who participated in the creation, development and validation of the test – and thank you to our Recruitment Unit which did an extraordinary job bringing in a record number of applicants for the test.

(See below for the test results as compiled by the City and presented to the Court for approval.)

TEST RESULTS

Of the 41,764 people who took the Open Competitive exam, 40,864 passed. However, in light of our hiring needs over the next four years, we expect that – in addition to those who took and passed the promotional exam (870) – only those candidates who scored a 97 or above on the Open Competitive exam (8,548) have a likelihood of being considered for appointment.

Breakdown of Likely Hires by ethnicity – 9,417 Total (869 Promotional added to 8,548 Open Competitive list)

- White 5,045 total (53.5%)
- Hispanic 2,131 total (22.6%)
- Black 1,859 total (19.7%)
- Asian 351 total (3.7%)
- Other 31

Breakdown of Likely Hires by Gender – 9,417 total

- Male 8,980 total (95.3%)
- Female 437 total (4.6%)

[It's worth noting that the total percentage of minorities on this likely-to-be considered list (46%) is nearly identical to the percentage that took the Open Competitive exam (45.7%).]

FAIRNESS HEARING

This week, the Federal Court conducted a Fairness Hearing on some of its earlier rulings, including the hiring of up to 293 Black and Hispanic applicants who took the 1999 and 2002 exams which the Court determined were discriminatory. Once eligible candidates from those exams are identified and contacted, they will be afforded the opportunity to take the computer-based firefighter test and physical (CPAT) tests. Those who pass both tests and meet all other hiring requirements will be eligible to be appointed firefighters under a formula ordered by the court. At this point there is no timeline for when candidates from these two exams will be processed for firefighter positions, but candidates from this group may be eligible to be part of the second class that we expect to enter the Fire Academy in 2013.

In late June, the Court of Appeals for the Second Circuit heard oral argument on the City's appeal of the Court's "intentional discrimination" ruling. We expect a decision sometime this fall.

COMMUNICATING ABOUT CANDIDATES

Last month, we issued a new policy that prohibits all FDNY personnel (uniformed and civilian) from communicating about entry-level firefighter candidates with Department employees in the Bureau of Human Resources, including the Candidate Investigation Division (CID), the Personnel Review Board (PRB) or any other unit that has responsibility for processing firefighter candidates. (See Supplement No. 46 to Department Order No. 61, published on September 13, 2012.) This policy is clear and applies to everyone in the Department – you cannot communicate with or contact anyone in the Department responsible for processing prospective firefighter candidates.

FAXING, POSTING OF MATERIALS IN QUARTERS

I encourage you to review Department rules concerning the posting, printing and/or faxing of material in quarters, as described in AUC 327 titled, “Policy on Limited Use of Office and Technology Resources”, and in Chapter 19 of the Regulations. These policies specifically state that bulletin boards shall be used only for official Department business or important information relating to approved Departmental organizations, and applies to the posting of such materials anywhere in quarters – not just on bulletin boards. Use of fax machines should be similarly limited to Department business. I expect full compliance with these rules in every work location. Our EEO policy outlines the kinds of materials and communications that are prohibited and that can cause disruption in the workplace and may affect our operations. It is critically important that every employee understand our policies and adhere to them.

While some might feel these rules and steps are unnecessary or unwarranted, they are based on laws to protect the rights of everyone. No one should feel intimidated by the opinions or actions of others due to the ongoing litigation and the many varying opinions spawned by it. As our policy states, no one should be subject to retaliation for participating in the lawsuit, including those who make claims for compensation or seniority, whether those claims are successful or not.

EMBRACING DIVERSITY

For nearly 43 years – three decades of that time working in firehouses – I have loved coming to work every single day. That is the way every employee of this Department should feel - that they are part of a team that works together to get the job done, while respecting each other regardless of their differences.

The issue of diversity – and improving the diversity of the firefighting workforce – has been a top priority for the Department for more than a decade, and has been included as a major initiative in every Strategic Plan we've published since 2004. As I mentioned earlier, the Department has done an extraordinary job attracting tens of thousands of firefighter applicants – including unprecedented numbers of Black, Hispanic and Asian men and women, groups traditionally underrepresented in our ranks. This was and is a Department priority – begun long before any legal mandates: we have worked very hard to attract more people of color to take the firefighter test, and that work will soon bear fruit as the Department becomes more diverse in the coming years.

Collectively, we have done an outstanding job of rebuilding this Department in the eleven years since the devastation of 9/11. I know that as this Department moves forward to an even brighter future, we will continue to do a tremendous job providing the highest level of professional service to the diverse City we all love. Thank you for the great work you do every day.



Salvatore J. Cassano
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