



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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*For Immediate Release*

**JUDGE APPROVES NEW FDNY TEST,  
ALLOWING NEW YORK CITY TO MOVE FORWARD  
WITH HIRING A NEW FIRE CLASS**

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New York, Friday, Sept. 28, 2012 -- Brooklyn federal court Judge Nicholas Garaufis today formally approved the FDNY's most-recent exam, allowing the City' to move forward toward hiring a new fire class. The approval follows a motion filed by the City on Monday seeking the judge's sign-off, which ensures that the City can use the eligible lists resulting from the 2012 fire exam (Exam 2000), which was taken by more than 41,000 candidates in March and April of this year.

The Court approved the rank order use of Exam 2000. Significantly, it found that the validation study performed by the City's experts contained persuasive evidence that the test and its cut-off score are job related.

"We are very pleased that Judge Garaufis has recognized that the City's proposed use of the exam, which was carefully created with the aid of numerous experts and Special Master Mary Jo White, had no discriminatory impact," noted Corporation Counsel Michael A. Cardozo of the New York City Law Department.

"The FDNY's strong commitment to diversity was evident in our recruitment campaign for this exam where 46 percent of the test takers were people of color - the same overall percentage of minorities at the top of this list," said Fire Commissioner Salvatore Cassano. "We're pleased that we can now begin hiring to fill the more than 650 current vacancies in the firefighter ranks."

"I am proud of the role that the DCAS Information Technology and Exams staff played in assisting FDNY recruiters process the exam applications of this record-breaking, diverse candidate population," noted Department of Citywide Administrative Services (DCAS) Commissioner Edna Wells Handy. "DCAS co-workers provided excellent support to our consultants with information and resources needed for test development and administration. In fact, 13,500 firefighter candidates came to the DCAS Computerized Testing Centers to take their exams and were assisted there by our professional staff."

The firefighter test was developed by PSI, a leading test development company with extensive experience designing tests for government agencies in consultation with experts representing the Vulcan Society and the Department of Justice, both of whom had brought suit against the City. The Vulcans and DOJ filed papers this week stating that they did not oppose the City's motion seeking approval of Exam 2000. Special Master Mary Jo White also filed a report this week recommending that the Court approve the new exam and permit the City to start hiring firefighters from its eligibility list.

"PSI developed a test which measured the skills and abilities necessary to succeed as a firefighter," noted Georgia Pestana, Chief of the Law Department's Labor & Employment Law Division. "We explained to the court that among the ranks of candidates likely to be considered for appointment, there is no adverse

impact against any group, and the development process demonstrated that the test is job-related." She added, "The test was developed under the overall supervision of Special Master Mary Jo White, and the City expresses its deep appreciation for her assistance. It also thanks her colleagues at Debevoise and Plimpton, who spent countless hours on a *pro bono* basis overseeing the test development."

As a result of Judge Garaufis 's approval, the Fire Department can start processing candidates immediately, beginning with the promotional candidates. The Fire Department expects to hire two classes of firefighters in each of the next several years. FDNY EMTs and Paramedics who took the promotional exam could enter the Fire Department Academy as early as January 2013.

#### **What All This Means for Test Takers:**

- The City anticipates publishing the test results for the promotional and open competitive exams around Oct. 3rd.
- Test results will be mailed to candidates following the publication of the results. Given the number of candidates who took the open competitive exam, it may take a week or two to complete the mailing to them.
- On October 4th, FDNY is scheduled to start conducting the background interviews for the promotional candidates.
- The eligibility list for the promotional exam in all likelihood will be established in January 2013, shortly before the start of the Fire Academy class.
- For subsequent Fire Academy classes, DCAS will schedule candidates to take the Candidate Physical Ability Test (CPAT) – and the FDNY will offer CPAT preparation classes, mail intake interview packets and schedule interviews for pre-employment processing in list number order based on the hiring needs of the FDNY. For information about the status of the exam and the eligible list, candidates may call 212-669-1357.

#### **Exam Results**

A total of 42,231 candidates took the test, including 873 FDNY EMTs and Paramedics who took the test as a promotional exam.

The FDNY anticipates using this test for four years. In the first year, the City expects that the hiring will be primarily from the promotional exam. Of the 873 candidates who took the promotional exam, 869 passed. Of the 41,358 who took the open exam, 40,426 passed. (This is similar to previous years.)

In light of the FDNY's hiring needs over the next four years, the City expects that, in addition to those who took and passed the promotional exam, only those candidates who scored 97 or above on the open competitive exam -- 8,548 -- have a likelihood of being considered for appointment.

All of the experts involved in the case independently concluded that the City's proposed use of the test results had no adverse impact on any minority group; that is, based on the test results, Blacks, Hispanics, Asians, and women were as likely to be hired in the same percentage as the percentage of that group which had taken the test.

#### ***Breakdown of Likely Hires by Ethnicity -- 9,417 Total (869 Added to 8,548)***

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

#### ***Breakdown of Likely Hires by Gender -- 9,417 Total (869 Added to 8,548)***

- Male: 8,980 total; (95.3%)

- Female: 437 total; (4.6%)

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