

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

**RESOLUTION # 00/03-057:** Preliminary Determination Pursuant to the Evaluation of the New York City Fire Department's Recruitment Program for Firefighter Examination # 7029 (1999) and its compliance with the Equal Employment Practices Commission's recommendations pursuant to its evaluation of the Recruitment Program for Firefighter Examination # 0084 (1992).

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) 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**, 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, and

**Whereas**, the Equal Employment Practices Commission evaluated the New York City Fire Department Recruitment Program for Firefighter Examination # 7029 to ascertain whether it provided equal employment opportunity; Now, Therefore,

**Be It Resolved,**

that pursuant to the evaluation of the New York City Fire Department Recruitment Program for Firefighter Examination # 7029, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African-American, one Hispanic, one Asian-American and one Caucasian. No less than one recruiter should be a female. (A 1994 EEPC audit recommendation.)
2. The Department should grant five transfer points to field personnel who work as recruiters for at least two years.
3. The Advisory Committee for Recruitment should be fully involved in all firefighter recruitment strategies and related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign.

4. The Advisory Committee for Recruitment should consist of one representative of each of the following FDNY fraternal organizations: the Vulcan Society, the Hispanic Society, and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on the Committee. (A 1994 EEPC audit recommendation.)
5. The FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees and all Other Than Personnel Services (OTP) expenses.
6. The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam.
7. Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City.
8. Training for CFRD should be included in the Fire Academy curriculum, as it was in the past.
9. The FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups--minorities and women.
10. The Department should conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 CFR. sec. 1607.
11. The Department should retain a consultant to develop the tutorial for the next written firefighter examination. The members of the Advisory Committee should be involved in the selection of that consultant. (A 1994 EEPC audit recommendation.)
12. FDNY should develop a plan which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June.
13. The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607.

14. The open competitive exams for firefighter should be held biannually.
15. All firefighter recruitment literature, including recruitment posters, should indicate that the Department is an equal opportunity employer.
16. The Department should develop and administer a training program for the physical portion of the firefighter exam.

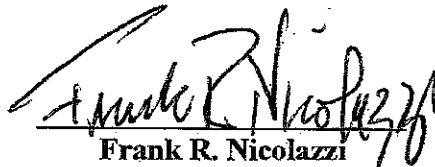
**Be It Finally Resolved,**

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the New York City Fire Department, Thomas Von Essen formally informing him of the findings with appropriate explanations and recommendations for improvements in the Fire Department Recruitment Program, and requesting, pursuant to Chapter 36 of the New York City Charter, his response to these findings within thirty days of receipt of the letter, indicating what corrective actions the Fire Department will take in order to attract more women and minority applicants for the next and future examinations for New York City Firefighter.

Approved unanimously on May 25, 2000.

**Angela Cabrera**  
Commissioner

**Manuel A. Mendez**  
Commissioner

  
**Frank R. Nicolazzi**  
Vice-Chairman

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

**RESOLUTION #03/01-Sect. 832R** Determination to issue a Report to the Mayor pursuant to the failure by the New York City Fire Department to implement certain recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York City Fire Department's Recruitment Program for Examination No. 7029 (February 27, 1999).

**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 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**, pursuant to its audit of the New York City Fire Department (FDNY), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated May 25, 2000 setting forth its findings and recommended corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC was required to monitor the FDNY for six months, from April 2001 through September 2001, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, FDNY's compliance period was suspended for eight months due the World Trade Center Disaster; and

**Whereas**, FDNY's compliance period was extended one month, at the request of FDNY, in order to further address the outstanding recommendations; and

**Whereas**, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC issued its final determination Letter on December 11, 2002 identifying those recommendations accepted and rejected by the FDNY; and

**Whereas**, in response to EEPC's Final Determination Letter, the FDNY submitted its response on January 14, 2003 indicating that all but two of the Commission's recommended corrective actions have been implemented. Now Therefore,

**Be It Resolved**,  
that the New York City Fire Department has only implemented fifteen of the seventeen recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

**Be It Further Resolved,**

that pursuant to Section 832 (c) of the New York City Charter, the Commission authorizes the Vice-Chairman to notify the FDNY in writing that it has not implemented all of the recommended corrective actions, and within seven days thereafter, to publish a report and recommend to the Mayor those appropriate corrective actions the Commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter.

**Be It Finally Resolved,**

that a copy of the report, accompanied by a letter, be forwarded to the Commissioner of the FDNY informing him of his charter-mandated requirements pursuant to sections 815 (15) and 832 (c) of the New York City Charter.

Approved unanimously on April 3, 2003.

**Angela Cabrera**  
Commissioner

**C. Catherine Rimokh, Esq.**  
Commissioner

**Manuel A. Mendez**  
Commissioner



**Frank R. Nicolazzi**  
Vice-Chairman




**FIRE DEPARTMENT**  
9 METROTECH CENTER  
BROOKLYN, N.Y. 11201-3857

NICHOLAS SCOPPETTA  
*Fire Commissioner*

Suite SW-6

MEMORANDUM

TO: FDNY Employees  
FROM: Nicholas Scoppetta   
RE: EEPC Agency Wide Audit  
DATE: October 25, 2002

It is my pleasure to share with you the results of the Audit conducted by the Equal Employment Practices Commission (EEPC). The EEPC is a City agency responsible for reviewing, evaluating, and monitoring other City agencies' employment procedures, practices and programs for compliance with the equal employment opportunity requirements of the City Charter.

The EEPC primarily focused on the Fire Department's strategies, plans and programs for the Firefighter's recruitment examination, training, and appointment. We proudly introduced to the EEPC the Fire Department's newly restructured and redeveloped Firefighter Recruitment Unit. Deputy Commissioner Douglas White and I have established the Office of Recruitment and Diversity Initiatives. To head up the Unit, we selected Battalion Chief Philip Parr to serve as the Chief of Recruitment. To further assist our overall recruitment efforts, we appointed Tarece Johnson to serve as the Director of Diversity Initiatives.

In addition to the new and improved Recruitment Unit, Commissioner White and I, with the assistance of Assistant Commissioner Paulette Lundy of the EEO Office, have organized a Recruitment Advisory Committee consisting of representatives from several fraternal associations, such as: the Vulcan Society, the Hispanic Society, the United Women Firefighters Association, Fire Flag EMS-NY, the Columbian Society and the Emerald Society. In addition to our scheduled meetings, we meet periodically to discuss recruitment issues.

As the EEPC recommended, we look forward to conducting year round recruitment. The Recruitment Unit assembled diverse teams for outreach and recruitment. Firefighters and

Officers who work in the Recruitment Unit have and will continue to enjoy points for their service consistent with AUCs 293 and 297.

The Recruitment Unit, working with FDNY fraternal associations and various organizations, will also be responsible for encouraging, orienting, and training potential candidates as well as creating, maintaining and tracking a database of potential candidates for information and continuous follow-up.

The EEPC inquired about the CFRD certification training. The Fire Department decided to provide the training as part of the Fire Academy Curriculum at a cost of \$775, which will be recouped upon successful completion of the CFRD course and receipt of their certificate by periodic payroll deductions.

In addition, the EEPC raised concerns about the Firefighters' examination and the Cadet Corps program. The Open Competitive exam will be offered every four (4) years. The Fire Department's Recruitment and Diversity Initiatives Unit is organizing free written examination training courses to assist candidates who filed to take the Firefighter's exam.

While the Fire Department and DCAS were working together and tried to issue an annual promotion exam that will cover Cadets and EMS personnel who wish to promote to Firefighter, a recent court decision enjoined the Fire Department's use of a separate promotional list for EMS personnel.

Finally, the EEPC recommended that the Fire Department conduct several adverse impact studies; one to determine if the Firefighter's educational requirements disproportionately screens out members of historically underrepresented groups and the other to determine if the written Firefighter exam disproportionately screens out minority or female candidates. While the Fire Department believes that the college requirements are relevant and appropriate, we are still exploring the possibility of conducting both adverse impact studies.

In closing, I am very excited about the recruitment drive and the accomplishments of the Recruitment Unit. The Recruitment Unit has delivered hundreds of presentations at events and have appeared on local radio and television stations. In addition, I have been personally active in recruiting candidates, especially women and minorities. Among my many recruitment venues, I have attended and spoken at the Abyssinian Baptist Church, the Greater Allen Cathedral Church, and the Concord Baptist Church.

Let us make this effort a success as we are all in this together.