



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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May 25, 2000

Thomas Von Essen
Commissioner
New York City Fire Department
9 Metrotech Center
Brooklyn, NY 11201

Re: Preliminary Determination Pursuant to the Follow-Up Audit of the New York City Fire Department's Recruitment Program for Examination No. 7029 (February 27, 1999)

Dear Commissioner Von Essen:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (New York City Charter, Chapter 36, Section 831(d)(2) and (5)).

This letter contains the preliminary determinations of the EEPC staff pursuant to its follow-up audit of the New York City Fire Department Recruitment Program for Examination No. 7029 (February 27, 1999). Recommendations for corrective actions are included where the EEPC has determined that the New York City Fire Department (FDNY) has failed to undertake appropriate and effective strategies to increase the number of women and minority candidates or, to comply with: 1) the EEPC's audit recommendations of October 18, 1994, 2) the mandates of the City's Equal Employment Opportunity Policy (EEOP) or 3) the Federal government's Guidelines on Employee Selection Procedures (29 C.F.R. sec. 1607).

The purpose of this audit is to evaluate the agency's compliance with the aforementioned mandates, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Background

In 1994, the Equal Employment Practices Commission ("Commission") conducted an audit of the Fire Department's Recruitment Program for Firefighter Exam No. 0084. The Commission issued its Preliminary Determinations on August 5, 1994 and made recommendations to improve the Department's Recruitment Program on October 18, 1994.

Prior to issuing its recommendations, the Commission established an Advisory Committee To Recommend Improvements In The Fire Department Recruitment Program. (Resolution #94/01-057). This Advisory Committee consisted of representatives of most of the fraternal organizations and unions within the Fire Department. Fire Commissioner Thomas Von Essen who was the president of the Uniformed Firefighters Association at that time was a member of the Committee. Former Fire Commissioner Howard Safir was an ex-officio member of the Committee.

The purpose of the Committee was to develop recommendations for improving the recruitment of women and minority candidates for firefighter positions. Testimony presented by former Fire Commissioner Carlos Rivera at a June 23, 1993 Public Hearing sponsored by EEPC indicates that at the end of December 1992, 92.9% of all firefighters were white males and .39% were women. The Advisory Committee was chaired by Charles Hughes, who was the chairman of the Equal Employment Practices Commission at that time. The Committee met over a three month period (July-September, 1994) and developed twelve recommendations that were approved by this Commission. Those recommendations were made jointly by the Advisory Committee and this Commission. Two additional recommendations were issued by this Commission independently.

In 1999, the Equal Employment Practices Commission conducted a follow-up audit of the Fire Department's Recruitment Program. Specifically, the Commission examined recruitment strategies undertaken by the Department to increase the number of women and minority candidates for Firefighter Examination No. 7029 and determined which of the 1994 recruitment recommendations were implemented by the Department and how they were implemented.

The application period for Firefighter Exam No. 7029 was September 2, 1998 to October 2, 1998. The written test was held on February 27, 1999. The physical portion of the exam began in November 1999 and, according to testimony by the Fire Commissioner, will be completed in April 2000. Appointments from the ensuing eligible list should begin in August 2000. According to statistics provided by the Fire Department, 22,821 individuals applied to take the test. Of those applicants, 15,819 (69.3%) were Caucasian, 3,067 (13.4%) were Hispanic, 2,595 (11.4%) were African-American, 263 (1.2%) were Asians and 898 (3.9%) were women. The percentage of minorities and women who applied for Exam No. 7029 was greater than the percentage that applied for Exam No. 0084. Overall, though, the total number of firefighter applicants dropped from 40,237 in 1992 to 22,821 in 1999--a decline of 43.2% (See Appendix I)

Statistics provided by the Fire Department indicate that 80.9% of the Caucasian applicants took the written test, while the corresponding percentage for Hispanics was 68.3%, 67.7% for

Asians, 66.4% for African-Americans, and 52.7% for women. (See Appendix 2)

According to Fire Department statistics, 17,151 individuals took the written exam. Of those applicants, 14,561 (84.9%) passed the test (which had a passing score of 85%). Caucasians had a pass rate of 91.6%, Asians had a pass rate of 80.3%, Hispanics has a pass rate of 76.6%, African-Americans had a pass rate of 61%, and women had a pass rate of 69.5%. (See Appendix 2)

Scope and Methodology

The Commission's audit consisted of the following: Interviews with the Deputy Commissioner for Intergovernmental Relations (who had overall responsibility for the recruitment program), the EEO Officer, the former and current Directors of the Office of Employment Initiatives, the Director of Personnel, the President of the United Women Firefighters, the President of the Vulcan Society and the President of the Hispanic Society. (The latter three organizations were represented on the Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program.) In addition, Commission auditors reviewed documents submitted by the Fire Department, representatives of the fraternal organizations and the Division of Citywide Personnel Services (DCAS) and examined transcripts of two New York City Council hearings on the Fire Department recruitment program (the Committee on Civil Service and Labor, October 21, 1998 and the Committee on Fire and Criminal Justice Services, September 28, 1999).

Preliminary Determinations and Recommendations

The Commission's audit revealed that the Fire Department undertook a number of efforts to attract women and minority candidates for Firefighter Exam No. 7029. According to testimony and documents submitted by FDNY, the Department placed English and Spanish language advertisements in minority-oriented newspapers, including the Amsterdam News and El Diario and on television and radio stations, including channel 47, Spanish language, and Cable 12 Bronx; with a heavy minority viewing audience. In addition, the Department conducted a "phone-a-thon" to 2,000 female contacts, sent recruiters to local college campuses, high schools and community organizations with substantial female and minority populations, and, for the first time, placed the exam application on the Department's web page and distributed it to all City libraries.

In accordance with Recommendation #2 of the Commission's 1994 Recommendations, the Department provided incentives for firefighters to work as recruiters: it awarded overtime pay for night and weekend work at headquarters (not available during the recruitment campaign for the 1992 exam) and provided the option of a four-day work week, instead of the five normally required of headquarters personnel. FDNY also followed Recommendations #6 by having recruitment materials designed by a professional advertising firm, #10 by distributing information about tutorial sessions to all prospective applicants, #11 by making its Randalls Island training facility available to candidates for the physical part of the exam, and #12 by creating a Fire Cadet Corps. The Department partially complied with #13 by establishing an Advisory Committee open to all fraternal organizations; the EEPC recommended an Advisory Committee comprised of representatives of 6

groups: the Vulcan Society, Hispanic society, United Women Firefighters and three other fraternal organizations selected by the Fire Commissioner.

The Commission, on the other hand, found a number of deficiencies in the Department's recruitment activities and strategies and noted that some of the 1994 Recommendations were either not implemented or implemented ineffectively. Furthermore, the Department failed to comply with several provisions of the City's Equal Employment Opportunity Policy, issued by the Department of Personnel (now DCAS) in 1996. Following is a description of those deficiencies with recommendations for improvement.

1. FDNY Recruiters

According to FDNY officials and fraternal organizations representatives--who also served as volunteer recruiters--the Department employed 6 to 8 full-time recruiters during the 1998 campaign. The former head of the Office of Employment Initiatives indicated, however, that these individuals were often not present at the same time due to the staggered four-day work week and vacation schedules. That official and the EEO Officer also informed EEPC auditors that each borough was not assigned a recruitment team. Although the figure of 6 to 8 full-time recruiters represented an increase from the recruitment campaign for the 1992 exam (which, according to the EEO Officer, used 3 to 4 full-time recruiters), it was inadequate to accomplish the mission of attracting substantially larger numbers of historically underrepresented groups to the Department. Furthermore, the Department failed to implement the EEPC's first 1994 Joint Recommendation on this issue.

Recommendation: 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. Accordingly, the Department should have at least twenty active, full-time recruiters at all times.

2. Incentives for Recruiters

Although the Department provided incentives for firefighters to work as recruiters, these incentives (listed above) were described as inadequate by representatives of the fraternal organizations. These representatives noted that greater incentives were necessary because firefighters prefer working at firehouses, where they have more comradery, free parking, flexible scheduling (work one day in three) and other comforts, such as meal, weight rooms and beds. The former director of the Office of Employment Initiatives suggested awarding recruiters five "points." This advice was strongly endorsed by representatives of the fraternal organizations interviewed by EEPC staff.

Recommendation: To attract firefighters to work as recruiters, the Department should grant five transfer points to field personnel who work as recruiters for at least two years. These points, which are regularly awarded to firefighters who go "offline" to work at headquarters, can be used to

obtain more favorable work locations.

3. Advisory Committee

According to representatives of the fraternal organizations, who also served on the Advisory Committee, the Department generally did not solicit their views on recruitment strategies; management made decisions prior to implementation and presented them to the Committee. For example, the Advisory Committee was not consulted on the initial decision to require 60 college credits for Exam No. 7029. After the decision was presented to the Advisory Committee and the members of the body protested, the number of required college credits was lowered to 30. The Committee was also not "in the loop" on the selection of an advertising agency and the development of recruitment literature, particularly the "dot-guy" poster.

Recommendation: To function effectively as an advisory body, the Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions, including, but not limited to, the selection of recruitment consultants, the development of recruitment literature and the issuance of new or revised pre-employment requirements. In addition, management of the Fire Department should meet with the Advisory Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign.

Recommendation: The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.

4. Recruitment Budget

According to the Deputy Commissioner for Intergovernmental Relations, there was no fixed budget for the most recent firefighter recruitment campaign. The former Director of the Office of Employment Initiative told EEPC auditors that his office was given \$20,000 to use on recruitment activities. The Department ultimately spent about \$250,000 on media costs. The former Director of the Office of Employment Initiatives suggested that FDNY have a dedicated budget for recruitment that increases as an examination approaches.

Recommendation: FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees (including 20 full-time recruiters and other clerical and administrative staff) and all Other Than Personnel Services (OTPS) expenses, such as advertising expenses, the dollar value of any pro-bono consulting services, and recruitment vehicles.

5. Bonus Points

Five bonus points will be added to the *final* exam score of those candidates who are residents

of New York City. Beginning with Exam No. 7029, firefighter candidates will be required to produce written verification of their New York City residencies for a one year period--August 1, 1999 through August 1, 2000. Unlike the New York Police Department, however, the Fire Department does not conduct field investigations of department applicants. (NYPD informed the Commission that it uses sworn officers to conduct field investigations of applicant residencies. Applicants may be disqualified from service as police officers if these investigations reveal falsification of City residency.) Consequently, FDNY's Personnel Director stated that the Department does not do the type of investigation that would allow it to recommend to DCAS that applicants be disqualified based on falsification of City residency.

Representatives of the fraternal organizations interviewed by EEPC auditors believe that City residency is the *key* to increasing minority hiring and argue that FDNY is not doing enough to insure that only bona fide city residents receive the five point bonus. They recommend three strategies with regard to the five point bonus: that, in order to increase the number of minorities eligible to take the physical portion of the exam, the five point bonus be awarded after successful completion of the written test; that Fire Marshals, who are trained investigators, be assigned to conduct field investigations of applicant residencies; and that applicants who fraudulently misrepresent their residencies be disqualified for firefighter positions, as provided by the Notice of Examination (No. 7029).

In addition, the first of these five point bonus recommendations (awarding the five points after passing of the written exam) was endorsed by Councilman Lawrence Warden, Chairman of the City Council Committee on Fire and Criminal Justice Services. The Fire Commissioner also indicated at hearings before that Committee that he would talk to the Department of Citywide Administrative Services about changing the procedure. In his October 21, 1998 testimony before the City Council Committee on Civil Service and Labor, the First Deputy Commissioner indicated that the Department was considering using Fire Marshals to investigate suspected cases of residency fraud. The Fire Department's EEO Officer also told EEPC auditors that he endorses the use of Fire Marshals to verify the residencies of firefighter applicants.

Recommendation: The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam. This change is particularly appropriate since the Fire Commissioner indicated at the March 10, 2000 audit exit meeting that the new physical exam, approved by the U.S. Department of Justice, will be conducted on a pass-fail basis.

Recommendation: 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 with false residency claims. If and when the Fire Department secures sufficient funding to hire ten additional civilian investigators to conduct residency checks (a plan announced by the Fire Department at the March 10, 2000 exit audit meeting), it can cease the use of the Fire Marshals.

6. First Responder Certification

Exam No. 7029 is the first firefighter test to require that applicants possess Certified First Responder Certification With Defibrillation (CFRD). (This certification allows firefighters to perform CPR until the Emergency Medical Technician's arrive on the scene.) Prior to this exam, emergency medical training was provided to new hires at the Fire Academy. The Department, in its testimony to the City Council, stated that this new requirement allows the Academy to concentrate more on "firematics." Representatives of the fraternal organizations claim that this new requirement is confusing to minorities, "puts them off" at the outset and is expensive (a commercial preparation course can cost up to \$300). In addition, the Department's EEO Officer told EEPC auditors that the CFRD requirement "adds another hurdle to kids you are trying to attract."

Recommendation: Training for CFRD should be included in the Fire Academy curriculum, as it was in the past, for reasons of fairness and cost. The EEPC also believes that this pre-employment requirement might disproportionately screen out minority and female candidates and cannot be justified by business necessity. Inasmuch as the Fire Department claims that reintroducing CFRD training in the Fire Academy will extend the length of that training, the Department should provide for a longer Academy training period.

7. Recruitment Retention

According to the current Director of the Office of Employment Initiatives, FDNY does not have a program or strategy to reduce attrition by minority and women applicants during the lengthy selection process. His office does, however, refer firefighter applicants to the various fraternal organizations for informal follow-up and/or outreach. The President of the United Women Firefighters noted that mentoring is critical since women candidates drop out at 2 times the rate of Caucasian men. (Indeed, statistics provided by FDNY show that 75% of all firefighter applicants took the written exam, while the corresponding percentage for women was only 52%. See Appendix 2.) The President of that organization also told EEPC auditors that since so few women firefighters will be in the Department due to impending retirements, her group can no longer continue to provide effective mentoring. Hence, the Department must assume this responsibility. Due to high drop out rates among minorities, the heads of the Vulcan and Hispanic Societies also wish to see this responsibility shifted to the FDNY.

Recommendation: 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. This requirement will not prevent the Department from continuing to seek the assistance of the fraternal organizations in keeping these groups in the pipeline during the selection process.

8. College Credits

Beginning with Exam No. 7029, firefighter applicants must have 30 college credits or a high

school diploma and 2 years of military service by the date of appointment. (The Department initially required 60 credits, but lowered that number to 30 after opposition was raised by members of the Advisory Committee.) Representatives of the fraternal organizations told EEPC auditors that college credits are unnecessary, since the job of firefighter has not changed significantly in recent years and current leaders of the Department came in without attending institutions of higher learning. These groups also base their opposition on the willingness of the Department to accept 30 credits in any subject(s). Furthermore, the fraternal organizations claim that the college credit requirement disproportionately screens out qualified minority applicants. During the March 10, 2000 audit exit meeting, the Fire Commissioner stated that college credits are required today because of the increased sophistication of firefighter duties.

Recommendation: Given the egregious and long-standing under representation of minorities and women in FDNY, the Department should comply with Section VI (A)(2) of the City's EEO Policy and 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 C.F.R. sec. 1607.

9. Tutorial Program

The Department prepared its own tutorial program for the written portion of Exam No. 7029. (Previous tutorials were prepared by the Department of Citywide Administrative Services.) The former Director of the Office of Employment Initiatives told EEPC auditors that although the tutorial material was presented in a new, computer format (Microsoft Power Point Presentation), the information was old and outdated. The President of the United Women Firefighters testified that the tutorial materials contained spelling errors and multiple correct answers. Both of those individuals recommended that a professional consultant be retained to develop the tutorial for the written firefighter test. In a May 22, 2000 letter to the EEPC, the Fire Commissioner stated that a professional consultant (Landry Associates) was employed to develop tutorial material for the written examination. However, the documentation of the consultants's involvement in test preparation and tutorial material, which was attached to that letter, relates to Exam No. 0084, which was administered in 1992. In addition, the Department did not implement Joint Recommendation No. 9 (1994), which states: "The tutorial program should continue and the fraternal organizations should make recommendations in the selection of the consultant."

Recommendation: In keeping with Joint Recommendation No. 9 (1994) and the advice of the former Director of the Office of Employment Initiatives and the President of the United Women Firefighters, 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.

10. Cadet Corps

The FDNY Cadet Corps was created during the administration of the previous Fire Commissioner. The original goal of this program was to move graduates of the Corps directly into firefighter positions through a promotional firefighter examination (similar to the goal of the Police Department Cadet Corps). The current Fire Commissioner changed that goal by hiring Cadet Corps graduates as Emergency Medical Technicians (EMTs). More recently, Cadet Corps graduates are eligible to be appointed to positions in the Fire Safety and Education Division. After one year of service in those two positions, Cadet Corps graduates may take the promotional exam for firefighter. The representatives of the fraternal organizations told EEPC auditors that the Cadet Corps offers one of the best opportunities for increasing the number of women and minority firefighters. They, along with the former director of the Office of Employment Initiatives, recommend that Cadet Corps graduates be allowed to move directly into firefighter positions by way of a promotional exam. They also recommend annual promotional exams for those graduates. That recommendation was also endorsed by the Fire Commissioner during his September 28, 1999 testimony before the City Council Committee On Fire and Criminal Justice Services.

Recommendation: 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.

11. Written Test

Several representatives of the fraternal organizations told EEPC auditors that minorities do not do as well on the written test as Caucasians. This observation is borne out by statistics supplied by FDNY: the pass rate for Caucasians on the written portion of Exam No. 7092 was 91.6%, while the corresponding percentages for African-Americans and women were 61% and 69.5%, respectively. According to the "80%" or "4/5ths" rule contained in the federal government's "Uniform Guidelines on Employee Selection Procedures," these numbers indicate adverse impact. (The pass rate for African-Americans and women is less than 80% of the pass rate for the group with the highest selection rate--Caucasians.) The President of the Vulcan Society also believes that there is no evidence that an applicant who receives a written score of 90% on the written test will be a better firefighter than the applicant who receives a score of 85% (the passing grade for this exam).

Recommendation: 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. In addition, section VI of the City's Equal Employment Opportunity Policy (issued by the Department of Personnel in 1996) requires that all selection devices be reviewed to determine if they have a disparate impact on protected group members.

12. Test Frequency

Exam No. 7029 (administered in 1999) was given seven years after the last firefighter test (Exam No. 0084). Representatives of the fraternal organizations told EEPC auditors that the time between tests is too long. In his September 28, 1999 testimony before City Council Committee on Fire and Criminal Justice Services, the Fire Commissioner agreed with that view, indicating that "as a result of the discussions with the Mayor and DCAS, we will be moving forward toward a more frequent test." The Commissioner further stated that there should be an open competitive test every two years. This change would prevent candidates--particularly minority and women candidates--from lingering on eligible lists for as long as seven years.

Recommendation: In keeping with the advice of the fraternal organizations and the commitment of the Fire Commissioner, open-competitive exams for firefighter should be held biannually.

13. EEO Tag Line

Several recruitment posters submitted to the EEPC by FDNY (the "dot-guy" poster placed on fire trucks and 2 posters used at athletic events) did not carry the EEO tag line.

Recommendation: Pursuant to section 6 of the City's Equal Employment Opportunity Policy, all firefighter recruitment literature, including recruitment posters, should indicate that the Department is an Equal Opportunity Employer.

14. Training for Physical Exam

The Fire Department recently opened up its training course on Randall's Island to firefighter applicants who passed the written portion of Exam No. 7029. FDNY, however, does not provide training to those applicants for the physical part of the exam. Both the United Women Firefighters and the Vulcan Society do offer training on the physical exam. The President of the United Women Firefighters told EEPC auditors that training for the physical exam is critical to the success of female firefighter applicants. Her organization relies on private donations to provide that service. As mentioned above, the women's group will be dwindling as a result of impending retirements and, consequently, will be less able to offer such training. The Presidents of the Vulcan and Hispanic Societies and the former director of the Office of Employment Initiatives recommend that the Department conduct its own training on the physical portion of the firefighter exam.

Recommendation: The Department should develop and administer a training program for the physical portion of the firefighter exam.

SUMMARY OF RECOMMENDATIONS

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 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 should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society, and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.
5. 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. 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 C.F.R. 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.

Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to EEPC's follow-up audit of FDNY's recruitment program for Examination No. 7029, we respectfully request your response to the aforementioned preliminary determinations.

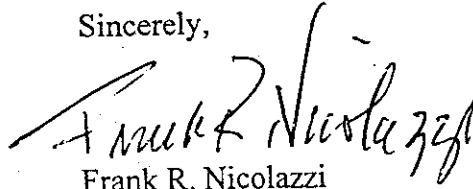
Your response should indicate what corrective actions FDNY will take to comply with EEPC's audit recommendations of October 18, 1994, the City's Equal Employment Opportunity Policy and the Federal government's Uniform Guidelines on Employee Selection Procedures (29 C.F.R. sec. 1607). As you informed us during the exit meeting of March 10, 2000, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response. Please forward your response within thirty days of receipt of this letter. Also, forward a copy to Eileen Reilly of the Mayor's Office of Operations.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of the recommendations for corrective action during a compliance period not to exceed six months, this Commission must publish a report and recommend to the Mayor the appropriate corrective actions

that you should implement.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank R. Nicolazzi". The signature is written in a cursive style with a large, sweeping initial "F".

Frank R. Nicolazzi
Vice Chairman

EEO BREAKDOWN FIREFIGHTERS EXAM 7029

APPLICANTS

WHITE	15,819
BLACK	2,595
HISPANIC	3,067
ASIAN	263
AMER. INDIAN	54
UNKNOWN	1,023

TOTAL APPLICANTS 22,821

APPLICANTS WHO TOOK THE EXAM

WHITE	12,803
BLACK	1,724
HISPANIC	2,094
ASIAN	178
AMER. INDIAN	37
UNKNOWN	315

TOTAL WHO TOOK THE EXAM 17,151

APPLICANTS WHO PASSED THE EXAM (PASSING SCORE=85%)

WHITE	11,731
BLACK	1,053
HISPANIC	1,604
ASIAN	143
OTHER	30

TOTAL WHO PASSED 14,561

TOTAL FEMALE APPLICANTS 898

**TOTAL FEMALE APPLICANTS
WHO TOOKS THE EXAM** 473

**TOTAL FEMALE APPLICANTS
WHO PASSED THE EXAM** 329

Appendix III

Minority and Women Firefighters in Major American Cities Expressed as Percentage of Total Firefighters 1999

<u>City</u>	<u>African-Americans</u>	<u>Hispanics</u>	<u>Women</u>
New York, NY	2.90%	2.8%	0.33%
Los Angeles, CA	14.0%	30.0%	2.94%
Chicago, IL	20.4%	8.6%	2.29%
Houston, TX	17.1%	13.9%	2.50%
Philadelphia, PA	26.3%	3.2%	0.39%
San Diego, CA	7.7%	15.7%	7.31%
Dallas, TX	18.1%	10.0%	3.91%
San Antonio, TX	7.0%	43.0%	1.53%
San Jose, CA	7.1%	24.9%	5.14%

Source for Minorities: Individual City Fire Departments

Source for Women: Women in the Fire Service (National Organization)



EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

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ABRAHAM MAX, JR.
EXECUTIVE DIRECTOR

October 18, 1994

Howard Safir
Commissioner
New York City Fire Department
250 Livingston Street
Brooklyn, New York 11201

Re: Recommendations to Improve the Fire Department Recruitment Program

Dear Commissioner Safir:

In a letter forwarded to you on August 5, 1994, the Equal Employment Practices Commission issued preliminary determinations based on our audit of the Fire Department Recruitment Program for Firefighter Exam #0084. Based on the determination that the recruitment program did not achieve the Fire Department's articulated goal of increasing the number of women and minority applicants for firefighter jobs it was the unanimous position of this Commission that the Fire Department must develop and implement a more effective recruitment program to attract women and minorities.

Pursuant to Section 831 d (8), of the City Charter, this Commission established an Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program on June 20, 1994. (EEPC Resolution #94/01-057). Membership on the Advisory Committee was open to all fraternal organizations in the New York City Fire Department. Leaders of the following fraternal organizations served on the Advisory Committee: Anchor Club #2, Columbia Association, Emerald Society, Hispanic Society, Holy Name Society, Pulaski Society, Saint George Association, Steuben Society, Uniformed Firefighters, United Women Firefighters, Vikings Association, and the Vulcan Society.

The Advisory Committee approved twelve recommendations for improving the Fire

Department Recruitment Program. On Wednesday October 12th, those recommendations were reviewed by this Commission and approved unanimously after minor revisions. Following are the joint recommendations of the Equal Employment Practices Commission and its Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program:

Joint Recommendations

1. The number of recruitment teams should be increased to a minimum of one per borough. All recruitment teams should include one African-American, one Hispanic, one Caucasian and one Asian-American. No less than one recruiter should be a female.
2. The FDNY should provide incentives for firefighters to work as recruiters.
3. The Board of Education, a major vehicle for outreach to youth, should be included in the recruitment program. All participating agencies should work closely with FDNY fraternal organizations and provide a census from which prospective candidates can be drawn.
4. Recruitment sites should be expanded to include more sites frequented by youth and diverse members of the population such as, sports venues, shopping centers, high schools, libraries, colleges, trade schools and adult education centers. Other sites include unemployment offices, religious institutions, military bases and firehouses. Recruitment teams should saturate special events which attract large numbers of youth.
5. The distribution of applications should be broadened. Applications should also be distributed by neighborhood firehouses and a procedure to account for applications distributed should be established. An 800 number should be utilized and highlighted in the recruitment program.
6. Recruitment materials should be designed by a professional marketing or advertising

firm. In addition to written materials other media such as video should be used to reach targeted populations. Written materials should be available in languages other than English where applicable.

7. Recruiters should continue to encourage applicants during the application process through telephone campaigns and informative communiques. Mechanisms for encouraging applicants can be expanded by television advertisements, newsletters; and providing opportunities for applicants to visit the Fire Academy and other Fire Department facilities.
8. The FDNY should establish permanent recruitment sites in all five boroughs, e.g., the Bronx Learning Resource Center, and create bulletin boards at firehouses to display recruitment information to the public.
9. The tutorial program should continue and the fraternal organizations should make recommendations in the selection of the consultant.
10. Recruitment teams should distribute information about tutorial sessions and tutorial guides to all prospective applicants.
11. The FDNY should establish a year-round training facility at the Fire Academy to prepare candidates for the physical exam. This facility should also be available to provide on-going physical fitness programs for current firefighters.
12. The FDNY should establish a Fire Cadet Program similar to the NYPD Cadet Program, to attract future firefighters. The program should target high school juniors.

EEPC Recommendations

Additionally, the Equal Employment Practices Commission recommends:

1. The establishment of a permanent in-house Fire Commissioner Advisory Committee for Recruitment to assist in the implementation of all recommendations for improving the

recruitment program. The Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.

2. To ensure that only New York City resident candidates who took the last firefighter exam will benefit from the five points credit, the Fire Department should request the support of the Department of Personnel to implement a process to guarantee that only residents receive the credit. This process should be the same process implemented by the Department of Personnel to ensure that only resident candidates received five points credit on the police exam.

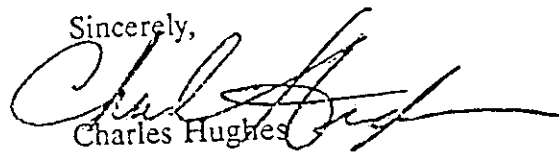
Response

Pursuant to the authority vested in this Commission, we respectfully request your response to our preliminary findings, detailed in our August 5, 1994 letter, and the aforementioned recommendations, within thirty days of receipt of this letter.

Your response should identify all recommendations you intend to implement and any additional corrective actions you plan to take. Please include the projected cost for implementing each recommendation and corrective action. This Commission will support and recommend to the Mayor and City Council, approval of all necessary funding requested to implement these recommendations. We intend to do the same for proposed corrective actions that adequately address the underrepresentation of minority and women firefighters.

This Commission appreciates your participation as an Ex-Officio member of the aforementioned Advisory Committee, and we will continue to work with you to ensure equality of opportunity for women and minorities who work for, or seek employment with, the New York City Fire Department.

Sincerely,


Charles Hughes
Chairman