



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



NICHOLAS SCOPPETTA
Fire Commissioner

February 8, 2007

14-02-07 3070 9292

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
City of New York
40 Rector Street, 14th Floor
New York, New York 10006

Re: The City of New York Fire Department's Response to the Preliminary Determination and Audit by the Equal Employment Practices Commission ("EEPC") of the Fire Department's Compliance with the City's Equal Employment Opportunity Policy from July 1, 2003 to June 30, 2005

Dear Mr. May:

This is in response to your December 14, 2006 letter regarding the recent Audit of the City of New York Fire Department ("FDNY" or "the Department") and the Department's Compliance with the City's Equal Employment Opportunity Policy. The Department responds as follows:

1) **EEPC Recommended Action:**

The Section 55-A Program brochures issued by DCAS should be distributed to all new and current employees – uniformed and civilian. (Sect. IIB, EEOP)

FDNY Response:

The information that is contained in the Section 55-A brochure (Equal Employment Opportunity for Persons with Disabilities) was communicated to all current employees through the FDNY Civilian Bulletin (Vol. XVI, Issue No. 7), dated April 6, 2006.

The FDNY EEO Office distributes the Section 55-A brochure to all new employees during new employee orientation and training which includes the orientation of Emergency Medical Services, Fire and civilian personnel.

The FDNY Equal Employment Opportunity Booklet Section VII p. 19 references the NYS Civil Service Law 55-A Program and the 55-A Coordinator, Gloria Johnson, Assistant Counsel. (See attached).

2) **EEPC Recommended Action:**

The EEO Officer should ensure that all of the FDNY EEO professionals who have not received EEO training from the DCAS receive such training. (Sect. VB, EEOP)

FDNY Response:

Seven (7) EEO professionals received the EEO training offered by DCAS and three (3) EEO professionals remained to be trained.

The three (3) EEO professionals who have not received DCAS EEO training are scheduled to receive EEO training beginning Thursday, March 15, 2007 for five (5) consecutive Thursdays on March 22, 29, and April 5 and 12.

3) **EEPC Recommended Action:**

The EEO investigator's confidential written report should be issued within 90 days of the date the discrimination complaint was filed. In rare circumstances where the investigation cannot be issued within 90 days, the parties to the Complaint should be notified of the delay. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment)

FDNY Response:

The EEO Staff will endeavor to issue confidential written reports within 90 days of the date the Complaint was filed. The EEO Office sends a "Notice of Delay" to Complainants when the investigation cannot be issued within 90 days. (See attached).

4) **EEPC Recommended Action:**

The FDNY should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IV, EEOP)

FDNY Response:

The FDNY will: 1) identify employees who are involved in job interviewing; 2) provide employees who are involved in job interviewing with structured interview training or training provided by DCAS or another appropriate organization.

5) **EEPC Recommended Action:**

The FDNY should secure the necessary training, either from DCAS or another appropriate source, to assess the manner in which civilian candidates are selected for

employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)

FDNY Response:

(NOTE: Commissioner in the past, (8/31/00), the Department declined, for any number of reasons, to initiate an adverse impact study with regard to the written firefighters exams, educational requirements, etc. This particular EEPC audit is requesting that the Department initiate an adverse impact study *“to assess the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon particular racial, ethnic, disability or gender group”*. As you know, this will require an extensive undertaking, including hiring a consultant to capture all of the data on our civilian interviewing, hiring and selection process....therefore, I need some guidance on this response. I can share my thoughts with you based on what I have seen in prior EEPC audits and my understanding of our legal obligations to this Commission. Although the Department has declined to conduct adverse impact studies in the past...the EEPC has followed up with DCAS on those sensitive issues and, one way or the other, we are still “grappling” with these issues. Apparently, DCAS uses in-house consultant services to conduct a job analysis and adverse impact to determine if any “requirement” may disproportionately screen out members of historically underrepresented groups. I am not sure if they also conduct a study that applies to civilians. Let’s discuss. Thanks).

6) EEPC Recommended Action:

The FDNY should notify all employees in writing of the name, location, and telephone number/email address of the Career Counselor. (Sect. VB, EEOP)

FDNY Response:

The FDNY Career Counselor is Audrey Brown Bennett; she is located at 9 MetroTech Center in the Personnel Department, 6th Floor. Her telephone number is (718) 999-2195 and her e-mail address is benneta@fdny.nyc.gov.

7) EEPC Recommended Action:

It is the Commission’s position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO program operational decisions should be maintained and kept in clearly identifiable, secure files.

FDNY Response:

The FDNY will make every effort to maintain and document meetings and other communications between the EEO Officer and the Fire Commissioner. The Department will make every effort to maintain and keep clear, identifiable and secure files of EEO program operational decisions.

8) EEPC Recommended Action:

The agency head should direct the heads of the human resources and recruitment and diversity units to include the EEO Officer in selecting recruitment media and developing recruitment strategy. (Sect. VC, EEOP)

FDNY Response:

On a weekly basis, the EEO Officer receives a list of the employees who receive Diversity training through the Diversity Weekly Update. The EEO Officer will meet with the Fire Commissioner to determine the best way to accomplish the EEPC request that the EEO Officer have more involvement in selecting recruitment media and developing recruitment strategy,

9) **EEPC Recommended Action:**

It is the position of the DCAS ("Model Agency EEO Commitment Memo," available on the DCAS website) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.

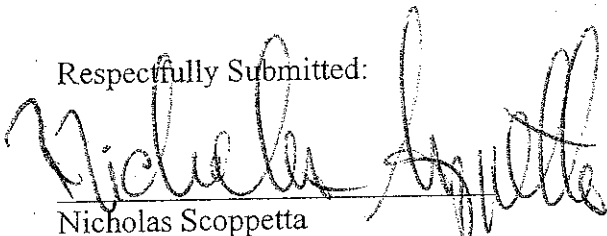
FDNY Response:

The EEO Office conducts daily EEO training for EMS and Fire personnel. During each training session, the EEO Discrimination Complaint process is included as part of the daily training curriculum. Civilian personnel also scheduled to receive annual EEO training.

The EEO Officer currently attends and participates in bi-weekly Senior Staff meetings and bi-weekly Initiatives Meetings that are scheduled by the Fire Commissioner with senior staff, managers and supervisors. The EEO Officer and the Fire Commissioner will schedule a bi-annual review of EEO policies with senior staff, managers and supervisors to affirm the employment rights of each employee with regard to filing a discrimination complaint with the EEO Office.

If you have any additional questions please feel free to contact, Lyndelle T. Phillips the EEO Officer for the City of New York Fire Department at 718-999-2048.

Respectfully Submitted:


Nicholas Scoppetta