

**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.

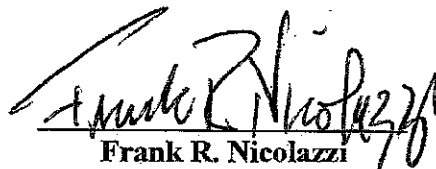
Be It Finally Resolved,

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