

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES  
JOINTLY WITH COMMITTEE ON CONTRACTS AND COMMITTEE  
ON WOMEN'S ISSUES

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December 10, 2014  
Start: 10:24 a.m.  
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HELD AT: Council Chambers - City Hall

B E F O R E:

ELIZABETH S. CROWLEY  
Chairperson

HELEN K. ROSENTHAL  
Co-Chairperson

LAURIE A. CUMBO  
Co-Chairperson

COUNCIL MEMBERS:

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MATHIEU EUGENE  
PAUL A. VALLONE  
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CHAIM M. DEUTSCH  
COREY D. JOHNSON  
COSTA G. CONSTANTINIDES  
I. DANEEK MILLER  
PETER A. KOO

COUNCIL MEMBERS: (CONTINUED)

RUBEN WILLS

BEN KALLOS

DARLENE MEALY

KAREN KOSLOWITZ

A P P E A R A N C E S (CONTINUED)

[gavel]

CHAIRPERSON CROWLEY: Good morning. My name is Elizabeth Crowley and I am the Chair of the Fire and Criminal Justice Services Committee. Today the committee is conducting a follow-up hearing on last year's oversight hearing in our ongoing effort to get to the root behind the troubling lack of women firefighters in our city's fire department. The hearing is being conducted jointly with the Committee on Contracts which is chaired by Council Member, Council Member Helen Rosenthal and the Committee on Women's Issues which is chaired by Council Member Laurie Cumbo. The Contracts Committee has been included to inquire about a contract that was procured by the law department to analyze the physical testing requirements in the probationary firefighters school also known as the fire academy. The Women's Issues Committee is included for obvious reasons. Female firefighters account for less than one percent of FDNY's uniform workforce. In New York City today there are only 44 female firefighters in the FDNY's firefighting workforce of over 10,500. Understanding the history of this struggle is important if we are to

1  
2 implement solutions. The FDNY did not allow women  
3 to join its ranks until the federal government  
4 passed a law requiring it to do so. It wasn't until  
5 1977 that women were able to take the written FDNY  
6 exam for the first time. But that same year the  
7 department then implemented a physical test that  
8 had never before been utilized, a physical test  
9 that was ultimately found by a federal court to be  
10 discriminatory against women and not at all job  
11 related. It was because of the courage of one  
12 woman, Brenda Berkman who is in the audience today,  
13 that a lawsuit was filed in federal court leading  
14 to a 1982 court decision compelling the fire  
15 department to hire its first class of female  
16 firefighters. That first year the department hired  
17 41 women firefighters out of approximately 9,000  
18 firefighters. Unfortunately over 30 years later  
19 women currently make up an even smaller fraction of  
20 the fire department totaling less than one percent  
21 of the workforce. Furthermore there are still  
22 concerns that excessive testing methods within the  
23 fire academy are being used to keep women  
24 probationary firefighters from graduating. This is  
25 simply unacceptable. In the year 2014 when women

1  
2 serve on the front lines of combat in our armed  
3 forces there is no reason for this lack of women in  
4 the FDNY. City like, cities like Minneapolis and  
5 San Francisco have up to 30 times a greater  
6 percentage of women serving in their fire  
7 department than we do. This is New York City. We  
8 are supposed to be a national leader, the city that  
9 other cities look to for guidance. And on this  
10 issue we are failing. We understand that we are  
11 still less than a year into the new administration  
12 and it is my hope that we can move forward and work  
13 together to make New York City a stronger and more  
14 equitable city. However I am deeply disappointed  
15 that in preparation for this oversight hearing the  
16 fire department did not provide my office with  
17 basic information that was requested, such as the  
18 number of probationary firefighters who enter a  
19 particular class and the number that drop out. The  
20 department had ample time to prepare for this  
21 hearing and a number of weeks to respond to the  
22 committee's data requests. The, the resistance to  
23 release this data makes me question whether the  
24 department has something to hide. In addition to  
25 the oversight role of today hearing we will be

1 analyzing a bill, Introduction 579 sponsored by  
2 Council Member Rosenthal which would require the  
3 Fire Department to provide the council with  
4 statistics on the firefighter applicant pool broken  
5 down by race and gender for each step of the  
6 process in becoming a firefighter from signing up  
7 to take the written exam to entering and graduating  
8 from the academy. The fire department's failure to  
9 produce this important data in a timely manner  
10 highlights the urgent need for this legislation and  
11 for greater transparency. The committees would like  
12 to address a number of workplace issues that affect  
13 women firefighters, namely the process by which  
14 women are assigned to fire houses, the presence or  
15 lack thereof of women's bathrooms and changing  
16 areas in fire houses and how the department handles  
17 workplace sexual discrimination and harassment  
18 claims. The committee and the council are also  
19 interested in learning today about the steps, the  
20 new FDNY administration has taken to address the  
21 lack of women within its ranks. The commissioner  
22 understands this problem and I would like to  
23 discuss the steps the new FDNY administration has  
24 taken to ensure that it's probationary school at  
25

1 the fire academy is fair to women. We have learned  
2 that the city has hired a consultant for them to  
3 examine its physical testing and I'm interested in  
4 learning more about this process. I'd like to thank  
5 Commissioner Daniel Nigro and all the members of  
6 the fire department who have come here today to  
7 this hearing. Look forward to hearing from the  
8 Commissioner and from the department's new  
9 diversity officer and inclusion officer and we look  
10 forward to also hearing from the Department of  
11 Citywide Administrative Services and from all the  
12 groups and individuals, individuals who have signed  
13 up to testify. But first I'd like to turn to my co-  
14 chair Council Member Helen Rosenthal for her  
15 opening remarks and then I'd like to recognize  
16 Council Member Laurie Cumbo for hers. Thank you.

18 CO-CHAIRPERSON ROSENTHAL: Thank you  
19 Councilwoman Crowley. Good afternoon. I'm Helen  
20 Rosenthal the Chair of the Contracts Committee. And  
21 I want to share my colleague's concerns about the  
22 lack of female firefighters in the, in the FDNY. As  
23 she noted in most urban areas including San  
24 Francisco and Minneapolis women comprise 10 to 15  
25 percent of firefighters. I wonder why only point

1 four percent of firefighters in New York City are  
2 women. What is it that is inherently different  
3 about New York City that makes it so we cannot  
4 achieve the greater percentages that other urban  
5 areas have been able to achieve? Perhaps one reason  
6 has to do with the physical exam administered by  
7 the fire academy. While it is heartening that the  
8 city would want to contract with a firm to validate  
9 this exam I am concerned about the contractor who  
10 is or who has already, I'm not sure, designed a  
11 study to be conducted. By definition in order for  
12 that study to be independent we would want a  
13 contractor to design the study and to administer it  
14 because we know that we're looking for whether or  
15 not there's any unintended bias. We would also want  
16 to know that the participants of the study are  
17 truly representative of the population that we're  
18 trying to address. I'm looking forward to learning  
19 more about that study, whether or not it's already  
20 completed, what were the criteria, and to  
21 understand who was able to participate in the study  
22 and whether or not you already have some findings.  
23 I am hopeful that this administration will agree  
24 with us that reporting transparency is a shared  
25

1 goal and with that in mind be our partner in  
2 supporting Intro 579. Intro 579 is simply a  
3 reporting bill. It requires DCAS and FDNY to report  
4 on the gender and ethnic background of the FDNY  
5 applicant pool. Every step of the application  
6 process through the admission's process all the way  
7 up to the point where applicants could become  
8 firefighters or eliminated anytime in between. I'm  
9 very proud to announce that on Monday in our stated  
10 city council committee meeting when we introduced  
11 the bill which is co-sponsored by my colleague Liz  
12 Crowley and I over 20 of our colleagues signed up  
13 to co-sponsor this bill. Very pleased now to be  
14 able to hear from our colleague Laurie Cumbo, chair  
15 of the Women's Committee to bring her perspective  
16 into this conversation.

18 CO-CHAIRPERSON CUMBO: Thank you. Good  
19 morning. I am Laurie Cumbo and I am chair of the  
20 Committee on Women's Issues. First I want to say  
21 New York, as a New York City resident I greatly  
22 appreciate the dedication, commitment, and bravery  
23 of our fire department. We can never thank them  
24 enough for all that they do to serve this city  
25 every single day. The people of New York City are

1 mindful of the sacrifices firefighters have made  
2 over the years and we always remember and honor  
3 those who have made the ultimate sacrifice. And I  
4 want to thank you for your presence here today. I'd  
5 like to thank my colleagues and co-chairs Council  
6 Members Crowley and Rosenthal and the staffs to the  
7 Women's Issues, Fire and Criminal Justice, and  
8 Contracts Committee for their tireless work in  
9 preparation for this hearing. I'd also like to  
10 thank the members of the Women's Issues Committee  
11 that are present and I want to thank the co-chair  
12 of the Women's Caucus Darlene Mealy who is also  
13 here with us today. They say that there's nothing  
14 more powerful than idea, than an idea whose time  
15 has come, and this idea is well beyond overdue. But  
16 what's even more powerful are my dynamic colleagues  
17 who are united together around this very very  
18 important issue that in this administration we want  
19 to see a real change. Now to the topic at hand. As  
20 chair of the Women's Issues Committee I must say  
21 I'm extremely disappointed that the FDNY has less  
22 than one half of one percent female members. New  
23 York City has the lowest percentage of female  
24 firefighters among its top five big city  
25

1 departments and this is deplorable. While I know  
2 that the FDNY has enhanced its efforts in recent  
3 years to recruit women which has increased the  
4 numbers of women applying for and taking the  
5 firefighter exam the number of women in the FDNY  
6 still remains extremely low. I understand that  
7 there are layers of obstacles that women applicants  
8 confront some of which are physical, some of which  
9 are societal, and some of which are systemic. I  
10 know that there is more to this than meets the eye  
11 and I believe we need to do th3e work that will  
12 begin to create the change. Some of this work  
13 involves looking at how we recruit and train but  
14 another part, a very big part is an honest  
15 assessment of how the culture of the fire  
16 department has reinforced the women need not apply  
17 mentality. So what can we do to change this? How  
18 can we help you improve upon these numbers? What  
19 will you do to make this world class fire  
20 department even better and more inclusive? And just  
21 from the press conference today I really want to  
22 thank those brave women that came out today. Over  
23 the generations and I, the, the bravery of those 44  
24 women and all that they have endured, all of the  
25

1 schisms, the racisms, the sexism, the  
2 discriminations, they have persevered and have  
3 continued to show exemplarily courage and bravery  
4 in a very difficult situation. And in my opinion  
5 with all of the, the testing and all of the  
6 barriers and obstacles that they face they are  
7 truly New York City's strongest individuals in the  
8 entire city. So we certainly applaud your efforts  
9 and for your bravery and courage in coming forward  
10 today for this very important hearing, thank you.

12 CHAIRPERSON CROWLEY: Thank you. Thank  
13 you to both Council Member... and to my co-chairs  
14 Council Member Helen Rosenthal and Council Member  
15 Laurie Cumbo. I'd like a, to recognize we've been  
16 joined by my colleague Council Member Darlene Mealy  
17 who co-chairs the women's caucus. We've been joined  
18 by Council Member Karen Koslowitz from Queens,  
19 Council Member Rory Lancman from Queens.  
20 Commissioner we are going to now ask you to begin  
21 your testimony but there's something new that the  
22 council does... fairly new, this year the council has  
23 began to issue an, an oath. And we ask that you and  
24 your administration, anybody who, who intends to  
25 testify today that you affirm and take the oath. So

1 if you could raise your right hand. And do you  
2 affirm to tell the truth, the whole truth and  
3 nothing but the truth in your testimony before the  
4 committee and to respond honestly to council  
5 member's questions?  
6

7 COMMISSIONER NIGRO: I do.

8 CHAIRPERSON CROWLEY: And are you the  
9 only person you believe will testify today. If..  
10 [cross-talk] both of your colleagues could also do  
11 the same. Do you affirm to tell the truth, nothing  
12 but the truth, and answer the questions truthfully  
13 today.

14 [combined affirmations]

15 CHAIRPERSON CROWLEY: Thank you.

16 Commissioner Nigro please begin your testimony.

17 COMMISSIONER NIGRO: Thank you. Good  
18 morning. Good morning Chairwoman Crowley,  
19 Chairwoman Rosenthal, Chairwoman Cumbo, and all the  
20 committee members joining us here today. My name is  
21 Dan Nigro and I am the Commissioner of the New York  
22 City Fire Department. Thank you for affording us  
23 the opportunity to speak with you and your  
24 colleagues on a topic of such important to myself,  
25 to Mayor de Blasio, that topic is women in the New

1 York City Fire Department. I think it's,  
2  
3 considering the subject it's an appropriate time to  
4 acknowledge the tragic death of firefighter Joyce  
5 Craig-Lewis, an 11 year veteran of the Philadelphia  
6 Fire Department. I think her death points out  
7 strongly that courage and sacrifice are not gender  
8 specific and our thoughts and prayers today are  
9 with her family and with her colleagues. I will  
10 continue, since I began this job in June of this  
11 year I have had dozens of conversations with  
12 advocates, with members of the department, and with  
13 the United Women Firefighters, also with some of  
14 the people in this room. These conversations were  
15 incredibly valuable to reinforce the decisions I  
16 was making and to identify new challenges. One  
17 thing that I knew from the start and that only  
18 became more clear that past decisions had been made  
19 for years in rooms lacking any meaningful  
20 diversity. Rarely were the views of people of color  
21 or women solicited or considered. If there is one  
22 thing we can all agree on it is that when public  
23 institutions engage in policy making without the  
24 benefit of diversity our city suffers and we all  
25 stand to lose. Especially from an agency that

1 brings comfort to people in need there should be no  
2 place for this kind of inequality. One other thing  
3 became apparent which is that I would need a whole  
4 new team to get this done, a team that shared my  
5 priorities and my deep desire to correct the  
6 inequalities I was seeing. For this reason prior to  
7 my swearing in I appointed Elizabeth Casio [sp?] as  
8 my Executive Officer. She is the first woman and  
9 the first EMS member to hold this important job and  
10 she was the first member of my executive senior  
11 staff. Over the subsequent six months I hired an  
12 executive team that is diverse in race gender and  
13 experience including many of the staff sitting next  
14 to and behind me today ensuring women are always at  
15 the table when major decisions are made in the  
16 department. I cannot emphasize how historic but  
17 also how important this change is to the FDNY.  
18 Working with this new leadership we worked to  
19 tackle a number of challenges. While I won't touch  
20 on all of them today I'd like to address a few key  
21 areas of particular importance. First and foremost  
22 the FDNY training academy. The training academy at  
23 Randall's Island has been a focus of mine since my  
24 appointment. There is no better way to create  
25

1 change within the culture of the FDNY than to start  
2 where our members learn to become firefighters.

3 This is where we have a prime opportunity to teach  
4 our members that making others uncomfortable by  
5 your words or actions in the workplace dishonors  
6 our department and our city, especially with the  
7 tremendous time and money we invest in training our  
8 firefighters we cannot afford for this to be  
9 anything but the best training academy in the  
10 world. Our new chief of training, Chief Stephen  
11 Raynis started a few weeks ago and I'm thrilled to  
12 have him as part of my team. He and I share a  
13 vision for an academy that not only continues to  
14 turn out the best trained firefighters but ensures  
15 that before being assigned to a firehouse they  
16 understand our expectation that they treat all  
17 members of the department, including women, with  
18 professionalism, dignity, and respect. In addition  
19 to the recent change in leadership at the academy  
20 we are seeking an outside consultant to come into  
21 the academy in 2015 and make independent  
22 recommendations to the senior leadership of the  
23 department about our physical training program and  
24 academy culture. This consultant will provide us  
25

1 with an outsider's perspective on how we can  
2 improve the physical training, teaching, and  
3 culture of the academy to ensure it's a modern  
4 academy where everyone is given a fair chance to  
5 succeed. One key part of what happens at the  
6 academy is the functional skills test, the FST. I  
7 made two changes to the FST during the last  
8 probationary firefighters class. First we removed  
9 the critical pass component of the FST ensuring  
10 that the FST score is a part of the probies'  
11 overall grade but not the sole reason they do or do  
12 not graduate. Second I removed the requirement that  
13 probies achieve a passing score on the midterm FST  
14 to participate in the week at the firehouse during  
15 the academy. Both of these changes will remain in  
16 effect going forward and are not related to the FST  
17 validation process. As for the validation process  
18 for the FST I am eager to get the results of the  
19 PSI report in a few weeks but I would like to  
20 emphasize that the conversation around the FST does  
21 not stop there. The validation will give us the  
22 parameters for a fair test but we will continue to  
23 discuss how this test impacts our recruits. I know  
24 we can maintain the standards the public expects  
25

1 from New York City firefighters while ensuring the  
2 process to become a firefighter is fair for all who  
3 seek to join our ranks. These goals are not  
4 mutually exclusive. A key part of preparing for the  
5 academy for many women has been the United Women  
6 Firefighters training program. As our CDIO Pam  
7 Lassiter will speak to further the recruitment and  
8 retention of female candidates is a key part of our  
9 department's long term diversity strategy. We need  
10 to ensure we are using all the resources at our  
11 disposal to help women navigate through the hiring  
12 and academy process successfully. One program that  
13 is shown to be a great success in preparing female  
14 candidates for the academy is the UWF physical  
15 training program which is funded by the FDNY  
16 foundation. I've asked the FDNY foundation to  
17 commit to the full funding of the UWF physical  
18 training program through the 2017 open competitive  
19 test. With the assistance from Non-traditional  
20 Employment for Women, NEW, we've also been able to  
21 add childcare as an option for the program. We hope  
22 that we can continue to give this program the  
23 resources it needs and grow it as the department  
24 grows. Once women have entered our department we  
25

1 need to make sure they have proper restrooms. As my  
2 predecessor reported to the council in 2013 we  
3 remain committed to ensuring there are women's  
4 facilities in every firehouse by the end of  
5 calendar year 2016. And city hall has assured us  
6 they will make sure we have the resources to do so.  
7 Since last year we've add four more restrooms and  
8 put 16 more into development. In addition we're  
9 addressing a related concern brought to us by the  
10 members in the field, the men using the unused  
11 women's facilities. While they are not supposed to  
12 do this most locks in a firehouse are accessible by  
13 one master key, we are changing all the locks for  
14 the existing women's facilities and going forward,  
15 only the women will have a key to the women's  
16 restroom. This project will be complete by the end  
17 of this year. Another key way we can be more  
18 welcoming to uniform and civilian women is to make  
19 our EEO office more robust. We have changed the  
20 leadership at the top of the office with the goal  
21 of creating a program that is proactive, not  
22 reactive, an office that employs, employees have  
23 trust in. These changes are already underway. Under  
24 the leadership of our CDIO Pam Lassiter the change  
25

1 in leadership will include an overhaul in the  
2 curriculum and services available to our employees.  
3 Finally I'd like to touch on something that my  
4 colleague will speak to further, the recruitment  
5 and retention of female candidates. We've made a  
6 couple of key decisions that will improve our  
7 current ability to enroll more women in each class.  
8 After an extensive analysis we've decided to use  
9 current civil service list through its entire four  
10 year life. Our analysis show that the next few  
11 sections of the list are extremely diverse and  
12 contain over 60 female candidates with the  
13 candidate pool being at least 47 percent minority.  
14 This decision will guarantee we reach qualified  
15 women before this list expires. This decision has  
16 an additional benefit of compressing the timing for  
17 the next firefighter exam, the time between when  
18 people apply to take the firefighter exam and when  
19 we start calling people off the list. This lad  
20 between testing and being called is often the  
21 source of high attrition, especially among women  
22 and minorities. These two changes will help  
23 increase the number of women applicants and  
24 decrease attrition in two important and more  
25

1  
2 immediate ways. I am very proud of the changes I  
3 have made in my first six months as commissioner.  
4 We have made changes in staff and policy that  
5 people thought we would never be able to make.  
6 These changes were only the first step. We must no  
7 longer wait for a judge's ruling to tell us what  
8 fairness means. One thing I rarely heard in all my  
9 years in the department was we can't do that, I  
10 will not accept anyone who says it now. Finally  
11 before I turn this over to my colleague Pam  
12 Lassiter I would like to say a little bit about  
13 Pam. We set out on an extremely rigorous search to  
14 find our Chief Diversity Officer because we knew  
15 very few people would have the skillset to take on  
16 what we were asking them to do. Not only would they  
17 have to tackle EEO compliance and recruitment  
18 efforts but they would be looking to make change in  
19 a culture that is 150 years old. My concern was not  
20 only could we find someone qualified but also could  
21 we find someone willing to take this on. In Pam I  
22 believe we have found that person. With over 20  
23 years' experience tackling these issues she was  
24 both experienced and willing to take this on with  
25 me. I could not be happier that she agreed. Finally

1 Pam's arrival means one more thing for me, and that  
2 is the final piece of my senior staff is now in  
3 place. There is now a new leadership team at the  
4 top of the agency with those who are willing and  
5 able to address what the FDNY needs to do going  
6 forward. I have tasked this team with developing  
7 the FDNY's next strategic plan, a plan that  
8 reflects not only the new direction of the  
9 department but addresses the immense challenges we  
10 face and sets benchmarks for our future progress. I  
11 hope that the people in this room will be partners  
12 in helping us develop and execute that plan. At  
13 this time I'm going to turn it over to our CDIO  
14 Pam Lassiter to discuss some of these... [cross-talk]  
15 matters. Thank you.

17 PAM LASSITER: Good morning Chairwoman  
18 Crowley, Chairwoman Rosenthal, Chairwoman Cumbo,  
19 and all the...[cross-talk] committee members joining  
20 us. Thank you for having me here today. My name is  
21 Pam Lassiter and I am the Chief... [cross-talk]

22 CHAIRPERSON CROWLEY: Excuse Ms.  
23 Lassiter if you could just bring the microphone  
24 closer, we're having trouble hearing you. Thank  
25 you. Sorry.

1  
2 PAM LASSITER: Sorry. Should I start all  
3 over? Okay. Good morning Chairwoman Crowley,  
4 Chairwoman Rosenthal, Chairwoman Cumbo, and all the  
5 committee members joining us. Thank you for having  
6 me here this morning. My name is Pam Lassiter and I  
7 am the Chief Diversity and Inclusion Officer for  
8 the New York City Fire Department. I have dedicated  
9 the last 20 years of my career to the fields of  
10 human resources, EEO, diversity, and inclusion.  
11 I've practiced across multiple environments  
12 including in the private sector, in academia and in  
13 government. In addition I've taught courses in  
14 diversity and human resource management and have  
15 participated in dozens of trainings and  
16 certifications related to my field. I earned my  
17 undergraduate degree from Queens College and my law  
18 degree from the University of Virginia. My  
19 experience in diversity and inclusion is not just a  
20 career but a personal passion in seeking fairness  
21 and process and social justice from public  
22 institutions. I am thrilled to be back in my home  
23 city applying this experience to such an important  
24 agency at such an important time. When I first saw  
25 this opportunity I was attracted to it for a number

1 of reasons. First the FDNY was creating a brand new  
2 position that appropriately combined the compliant  
3 role, diversity recruitment initiatives, and a  
4 chance to impact organizational culture. Second,  
5 the role reported directly to the fire commissioner  
6 and was part of his senior executive team. And  
7 lastly my hope was that the FDNY was willing and  
8 open to a new way of conducting business. I have  
9 found all these elements to be present. This new  
10 role is both historic as well as critical in making  
11 the changes the commissioner and the mayor have  
12 asked of the FDNY. I embrace the role of chief  
13 diversity and inclusion officer as the end result  
14 of a career spent in the redesign and restructure  
15 of EEO operations, training and college teaching,  
16 policy design and implementation, and diversity and  
17 inclusion leadership. While this is only my sixth  
18 week at FDNY I would like to briefly, to speak  
19 briefly to my vision of each of the units that I  
20 will be managing. First our recruitment office,  
21 which among other things is responsible for  
22 recruiting a diverse set of candidates for each  
23 firefighting test including women. I applaud the  
24 2012 recruitment campaign led by the FDNY where  
25

1 they were able to more than double the number of  
2 female applicants to 1,952 however sheer volume is  
3 not enough to bring women into the department  
4 especially with such a competitive and rigorous  
5 hiring process. Our next recruitment campaign in  
6 2017 will require us to take a more targeted  
7 approach to recruitment and to set long term goals  
8 so that our recruitment can build strategies to  
9 reach them. We'll also be looking at our most  
10 successful candidates and what traits they share so  
11 we can focus on women most likely to be interested  
12 and successful in the job. We'll be seeking out key  
13 partners around the city who have access to such  
14 candidate pools and partnering with them before and  
15 during our next recruitment campaign. That will  
16 include veteran organizations, community colleges,  
17 community based organizations such as Non-  
18 traditional Employment for Women, or NEW, and  
19 other, and numerous others. Additionally we're  
20 looking to partner with an advertising and  
21 marketing firm that will compliment this grassroots  
22 outreach and craft a message that resonates with  
23 all New Yorkers. Finally the recruitment office is  
24 participating in a project that's already underway  
25

1 which is a full analysis of the application process  
2 to find out what point and why we lose female  
3 candidates so we can work on changes to the  
4 process that remediate those issues. This will  
5 include some proposals about the best way to  
6 address the gap years, the years between graduating  
7 high school and becoming eligible for a  
8 firefighting job. The other office I oversee is the  
9 Office of Equal Employment Opportunity, EEO. As the  
10 commissioner already mentioned I believe that there  
11 is much more our EEO office can do for the agency.  
12 I look forward to a robust search for a new  
13 assistant commissioner for EEO. I am committed to  
14 ensuring we have a robust EEO office that focuses  
15 on proactively improving the climate of the  
16 workplace so that all members feel welcomed and  
17 valued. Not only will be seeking to close more  
18 cases we are adding counselling services to the  
19 tools the office can utilize. Services such as  
20 these ensure that those cases that don't up, end up  
21 in disciplinary action are mediated through a  
22 conflict resolution. The changes in leadership and  
23 curriculum in our EEO office will make this a place  
24 employees across the agency can trust and will  
25

1 ensure our female applicants at the FDNY is a place  
2 that welcomes them. Finally I'll be overseeing the  
3 diversity inclusion strategies across the agency.  
4 One of the keys ways we attract more women to the  
5 job of firefighting is to present an image of an  
6 industry, of an agency that is accepting across the  
7 board to all groups. To that end I will be hiring  
8 an additional member to join my senior staff to  
9 build a robust plan around employee trainings as  
10 well as to move the culture of the FDNY. The FDNY  
11 has already hired the kaleidoscope group, a leader  
12 of, in diversity and inclusion to provide diversity  
13 training in our firehouses and I will be building  
14 on that effort. As I continue in this position I'll  
15 be exploring any number of ways to improve the  
16 climate of the different part of the agency; at the  
17 academy, at headquarters, and in our firehouses and  
18 EMS stations. One final point I would like to  
19 stress regarding my position. Both Mayor de Blasio  
20 and Commissioner Nigro have been nothing but 100  
21 percent supportive as has the rest of the senior  
22 staff of the department. The commissioner and the  
23 mayor have given me full support and I know I'll be  
24 able to ask them whatever I need to get the job  
25

1 done. I hope I can count on your support as well.

2 Thank you.

3  
4 CHAIRPERSON CROWLEY: Thank you. I'd  
5 like to recognize that we've been joined by Council  
6 Member Ruben Wills, Council Member Rosie Mendez,  
7 and Council Member Peter Koo. And that completes  
8 the list of council members who are here.

9 Commissioner and Ms. Lassiter thank you for your  
10 testimony today. We're going to have a few  
11 questions. And I'm going to start with questions  
12 and then I'm going to recognize my colleagues. If  
13 you have questions please sign up for questions.

14 Commissioner I believe you in your testimony I know  
15 that you are sincere in, and that there's been a  
16 significant change at the department and that in  
17 the past the need to diversify was not a priority.

18 However the, the classes that are currently  
19 graduating, the classes that have graduated since  
20 the Vulcan Society Lawsuit lack gender diversity.  
21 Although 4.6 percent of the people who sat to take  
22 your written exam and passed the written exam were  
23 women your department is only graduating about one  
24 percent women. And the real problem that we'd like  
25 to focus on today is the number of women that drop

1 out while in your academy. And you testified that  
2 there were changes in the standards that probies  
3 have been held to. It's sort of like moving target,  
4 it's, it's frustrating to try to understand you  
5 know. We as a city test those that are interested  
6 in becoming a firefighter in an exam that is  
7 written and then we give a physical exam. The  
8 physical exam is done outside of your department.  
9 But those who pass that physical exam are deemed  
10 qualified to be firefighters. Now they need to go  
11 into your department to be trained. But looking at  
12 the results of the number of people who drop out of  
13 your academy and hearing from those people who have  
14 dropped out and advocates who are in department who  
15 say that the academy is hurting women in  
16 particular... they're saying that these standards are  
17 forever changing, that they not, they have not been  
18 validated to be job related, and, and, and one  
19 class I see that although a good number compared to  
20 other classes, eight women, were in that class upon  
21 graduation 50 percent had dropped out. And the  
22 total class about 25 percent have dropped out. And  
23 this is a class where the standard of using your  
24 FST was critical. However you know I understand  
25

1 you're changing your FST as being critical non-  
2 critical but the testing of it seems to be  
3 continuously as vigorous and, and it seems as if a  
4 number of people are, are held to a standard in  
5 that FST that is looking at the total of the  
6 department as a, they must do these obstacles and  
7 different type of training in, in more of a testing  
8 way in a time frame that is held to the mean of the  
9 class. Which I bring that up because it reminds me  
10 of, of what I've read, what happened in 1977 which  
11 was the first time the department was mandated to  
12 hire or to at least give the opportunity for women  
13 to hire. And then they, all of a sudden the  
14 department puts together this physical test. And,  
15 and it was a test that no woman could pass. Now I  
16 want to know is the department using that practice  
17 that you, that the department used in the 70s to  
18 discriminate against women? Is the department doing  
19 that today with the FST training?  
20

21 COMMISSIONER NIGRO: Absolutely no is  
22 the short answer to that question.

23 CHAIRPERSON CROWLEY: But you changed  
24 the standards. I mean in just less than two years..  
25

1 it was this standard now it's that standard.. I mean  
2 obviously there...

3  
4 COMMISSIONER NIGRO: I'm going to try  
5 to...

6 CHAIRPERSON CROWLEY: ...you've identified  
7 some problem.

8 COMMISSIONER NIGRO: ...the, the present...

9 CHAIRPERSON CROWLEY: Absolutely.

10 COMMISSIONER NIGRO: ...and going forward  
11 because it's difficult to speak for the people in  
12 leadership at the time that certain changes might  
13 have taken place. We made two changes to the FST  
14 for this class. There were five women who began  
15 this class, one who became ill in the first week  
16 who never, never did that. FST didn't get to that  
17 stage. The other four women of course all passed  
18 and are all successfully out in the field. So we  
19 feel that those changes were necessary. So  
20 sometimes changes do take place and they're  
21 positive changes. There will be going forward  
22 nothing placed at the academy that I feel is an  
23 impediment to women passing in any way, shape, or  
24 form. That is not what it is about. I think the  
25 last lass was successful. I think the next class

1 going forward will be more successful. I think I am  
2 the leader of the team, I have set the tone for  
3 this next class going forward. Chief Raynis knows  
4 what I expect of this class which I expect all  
5 people to be treated fairly and in no way shape or  
6 form will something be there that I feel impedes  
7 women specifically from passing, absolutely not.

9 CHAIRPERSON CROWLEY: I believe in your  
10 commitment and I understand the department has  
11 hired consultant to look at this training. Now this  
12 training is still used today. I think it's  
13 important that we meet this month, this part of the  
14 month before you start your next class because we  
15 really need to take a critical look at this  
16 training. And you're still counting it as a test,  
17 it's a test rather than a training. It's a  
18 physical, functional skills test or is it  
19 functional skills training?

20 COMMISSIONER NIGRO: I think it's both.  
21 You know all training. It's functional skills  
22 training, people are rated, people, it is a job  
23 related activity in which people need to exhibit  
24 their ability to perform certain tasks properly  
25 before they can go out in the field and be further

1 trained in the field. So it is a training situation  
2 that is also graded. That's, that's as close as I  
3 can get to an answer for that.  
4

5 CHAIRPERSON CROWLEY: It's a test.

6 COMMISSIONER NIGRO: It is both.

7 CHAIRPERSON CROWLEY: You're, you're  
8 held to a certain timeframe in order to complete  
9 the task or the... [cross-talk]

10 COMMISSIONER NIGRO: You must complete  
11 the test while you're still using your oxygen or  
12 your air, air supply which of course is life  
13 threatening if you didn't in the field. You are  
14 rated by time but it's not a critical pass so that  
15 if your time, if you took longer to complete it  
16 than the passing grade you could still graduate  
17 from the academy.

18 CHAIRPERSON CROWLEY: And how long is  
19 the time allotted for a passing grade?

20 COMMISSIONER NIGRO: That may be  
21 somewhere in that material. I don't have the exact  
22 time, I have it somewhere... [cross-talk]

23 CHAIRPERSON CROWLEY: I understand that  
24 that timeframe has changed from one class to the  
25 next. If we look at the numbers that you only

1 provided today but I had looked at them because I  
2 was doing some research and I found some of the  
3 press release, there was one class that graduated  
4 in December 2013 that had a drop off rate of almost  
5 25 percent of the entire class. Now our city spends  
6 a lot of money in the cost that it takes to  
7 administer the exam, the list that is put together  
8 of those that do well on the written exam, then the  
9 physical exam, and upon passing the physical exam  
10 our city is saying you're ready to become a  
11 firefighter but somehow in your academy 25 percent  
12 dropped out.  
13

14 COMMISSIONER NIGRO: Again I'm not  
15 familiar... that class would be July 2013..

16 CHAIRPERSON CROWLEY: The one that  
17 graduated..

18 COMMISSIONER NIGRO: ...possibly.

19 CHAIRPERSON CROWLEY: ...December 2013.

20 Like who, who put forth that FST because I  
21 understand that it was the FST, the bulk of the  
22 participants could not get through during that  
23 class. And is the same person in your training  
24 academy administer... [cross-talk]

25

1  
2                   COMMISSIONER NIGRO: Well there's a new  
3 commissioner and new chief now so... no, it would be  
4 the previous administration that approved that,  
5 that change I suppose.

6                   CHAIRPERSON CROWLEY: So currently and  
7 what you're planning on for the next class will be  
8 different from the FST training in the previous  
9 class?

10                  COMMISSIONER NIGRO: Well we are  
11 expecting the results of PSI's review and we will  
12 get that within two weeks and then we will review  
13 it and we'll see going forward what it will be. But  
14 as I said before it will be... I can guarantee one  
15 thing, it will be fair.

16                  CHAIRPERSON CROWLEY: Can you tell me  
17 how the CPAT, or if somebody from DCAS is here, how  
18 the city arrives at that CPAT exam which is the  
19 physical exam that one has to pass in order to get  
20 into your academy how those various tasks that one  
21 has to perform in order to pass it, how that test  
22 was put together.

23                  COMMISSIONER NIGRO: Sure. I, I can't  
24 tell you specifically but I do have someone sitting  
25

1 next to me that can. Doctor Prezant will tell...

2 [cross-talk]

3  
4 CHAIRPERSON CROWLEY: And I... also Doctor  
5 before you begin I'd like to recognize council  
6 members who are here and, and also note that  
7 Council Member and Chair of Government, Government  
8 Operations Committee Ben Kallos may come in at some  
9 time and ask questions in regard to the DCAS. But  
10 we've been joined also by Council Member  
11 Constantinides and Council Member Eugene. And now  
12 the, the question is that, about CPAT which is the  
13 city's test outside of the fire department and how  
14 that is different and how the, the city had went  
15 about putting that test together and in comparison  
16 to what you call the FST test and how the  
17 department went and put that test together.

18 DOCTOR PREZANT: Well thank you for the  
19 opportunity to provide some information about that.  
20 First I'd like to briefly introduce myself. I'm the  
21 Chief Medical Officer for the New York City Fire  
22 Department. I've worked with the fire department  
23 for nearly 30 years. I'm a pulmonary and critical  
24 care medicine specialist and I've been to many  
25 fires, many medical emergencies, and I was at 9-11

1 at the world trade center so I certainly have had a  
2 first-hand experience seeing our firefighters  
3 perform out in the field. For that reason previous  
4 fire commissioner appointed me to a 10 city  
5 taskforce to actually help the International  
6 Association of Firefighters design a national test  
7 with help from the federal government as well to  
8 choose firefighters candidates for a fire training  
9 academy throughout the country at every state and  
10 jurisdiction that were physically capable of being  
11 trained to be firefighters. And I think that's a  
12 very important distinction because with the help of  
13 the federal government and a lot of  
14 psychometricians and professionals we did not want  
15 to create a discriminatory exam. We could not nor  
16 should we be testing for someone who can function  
17 as a firefighter candidate... [cross-talk]

19 CHAIRPERSON CROWLEY: Doctor I just want  
20 to clarify. We're talking about the CPAT.

21 DOCTOR PREZANT: That's correct.

22 CHAIRPERSON CROWLEY: Correct.

23 DOCTOR PREZANT: So... [cross-talk]

24 CHAIRPERSON CROWLEY: Now it seems like  
25 the department went through and the city of New

1  
2 York invested extensive amount of resources in  
3 putting together this qualifying test.

4 DOCTOR PREZANT: And that's exactly what  
5 I'm talking about.

6 CHAIRPERSON CROWLEY: And I, I believe  
7 it's a good test. Everything that I've learned  
8 about the test makes sense. But once someone passes  
9 that test they're ready to be trained to be a  
10 firefighter and for some reason we're having a  
11 significant drop-off in the academy. It's, it's  
12 costing the city money and resources that are  
13 valuable and it's wasting a lot of peoples' time.  
14 And what we're trying to get to the heart of is if  
15 that FST is discriminating against candidates,  
16 particularly women.

17 DOCTOR PREZANT: I'm trying to... [cross-  
18 talk]

19 CHAIRPERSON CROWLEY: Now I would like  
20 to talk about the FST now. Did you and did the  
21 department go through that extensive research in  
22 comparison and being on job sites and how you went  
23 about and putting this FST together?

24 DOCTOR PREZANT: So we learned a lot  
25 from the CPAT. And the CPAT is trying to find the

1 minimally acceptable candidate who could be safely  
2 trained to be a firefighter. It's an entrance exam.  
3 It would be the equivalent of an entrance exam to  
4 law school, medical school, or to a training  
5 academy for air, airline pilots. At the completion  
6 of that exam you are ready to be trained, you are  
7 not ready to perform. Once you're in the training  
8 academy then you need to be able to train on  
9 firefighting equipment, firefighting skills, things  
10 that you couldn't possibly tested for in the CPAT  
11 because you were never in a training academy you  
12 didn't have that option. [cross-talk]

14 CHAIRPERSON CROWLEY: But you believe  
15 that the CPAT is a sufficient, sufficient test to  
16 judge one's physical capability?

17 DOCTOR PREZANT: It's a sufficient test..  
18 [cross-talk]

19 CHAIRPERSON CROWLEY: ...To train as a  
20 firefighter.

21 DOCTOR PREZANT: ...to train as a  
22 firefighter.

23 CHAIRPERSON CROWLEY: Right and... [cross-  
24 talk]

1  
2 DOCTOR PREZANT: Then after that you  
3 need to... [cross-talk]

4 CHAIRPERSON CROWLEY: So it's not an  
5 insufficient test, it's a sufficient test.

6 DOCTOR PREZANT: As I said it's a  
7 sufficient test to be trained as a firefighter, to  
8 find out who could potentially be trained as a  
9 firefighter, similar to a test to be an airline  
10 pilot. Then after a rigorous training you need to  
11 be evaluated to see if you have been successfully  
12 trained. And the fire, the FST... [cross-talk]

13 CHAIRPERSON CROWLEY: Right right. How  
14 are you different from other states in that they  
15 say other municipalities we've seen, and I've  
16 stated earlier in my opening testimony, you heard  
17 from other council members as well that in San  
18 Francisco 15 percent of the department is female,  
19 that's 30 times as many of a percentage than we  
20 have. Minneapolis, Los Angeles, the list goes on  
21 and on major cities, we fall very far behind. So  
22 why is it that we have this rigorous testing in our  
23 academy that is different from this independent  
24 CPATs as the city said was good enough to test for  
25 one's physical capability.

1  
2 DOCTOR PREZANT: Well let, let me get to  
3 that question. Well if we're talking about San  
4 Francisco and these other, other cities if the fire  
5 department now hired without any testing at all and  
6 put in the firehouse all of the women that are  
7 currently reachable on our list, that would be  
8 another 60 women, we would not be anywhere near  
9 those numbers. So whatever happens... [cross-talk]

10 CHAIRPERSON CROWLEY: Sorry how many  
11 women are you, how many firefighters are you  
12 planning on hiring over the next two years? Or  
13 until the test expires.

14 DOCTOR PREZANT: The test will expire in  
15 two years.

16 CHAIRPERSON CROWLEY: Which is, do you  
17 know the date? Is that 2016?

18 DOCTOR PREZANT: At the very, at the end  
19 of 2016. The next test will be at 2017.

20 CHAIRPERSON CROWLEY: Right.

21 DOCTOR PREZANT: We hire approximately  
22 600 people a year.

23 CHAIRPERSON CROWLEY: So if you were to  
24 hire 60 more women that would be a substantial

1 improvement from what you've been hiring over the  
2 past two years.

3  
4 DOCTOR PREZANT: And we certainly intend  
5 to do that. But what I'm saying is if we do that we  
6 will, and every one of them completes the academy,  
7 everyone, we still will not be where we need to be.

8 CHAIRPERSON CROWLEY: Absolutely not but  
9 you'll be five times ahead of where you are...

10 DOCTOR PREZANT: And that's where we...

11 CHAIRPERSON CROWLEY: ...today.

12 DOCTOR PREZANT: That's where we can all  
13 agree that we want to be which is why we want to  
14 make...

15 CHAIRPERSON CROWLEY: Do you believe...  
16 Sorry.

17 DOCTOR PREZANT: Yeah.

18 CHAIRPERSON CROWLEY: Do you believe  
19 prior to you becoming the commissioner of the  
20 department that the department was using FST and  
21 the academy and testing and testing repeatedly in  
22 the academy because they thought that CPAT was not  
23 good enough.

24 COMMISSIONER NIGRO: I, I don't think,  
25 as Doctor Prezant was explaining CPAT is only good

1  
2 enough to test that someone is qualified to enter  
3 the academy.

4 CHAIRPERSON CROWLEY: And learn and  
5 train.

6 COMMISSIONER NIGRO: It has nothing, it  
7 is nothing to do with the FST which is a training  
8 issue that is rated. Which people need to do.. what  
9 the CPAT is is training your physical capabilities,  
10 not your ability at the actual job of firefighting.  
11 It there.. [cross-talk]

12 CHAIRPERSON CROWLEY: Commissioner you  
13 said things were different today.

14 COMMISSIONER NIGRO: Absolutely.

15 CHAIRPERSON CROWLEY: That FST was used  
16 in some of the more recent classes since the Vulcan  
17 Society Lawsuit in the past year, yeah past year  
18 and a half, two years, over the past four classes  
19 FST has been used differently and it hasn't always  
20 been used as training. Even earlier it was called  
21 test by accident.

22 COMMISSIONER NIGRO: Mm-hmm.

23 CHAIRPERSON CROWLEY: It was a test, it  
24 had to have been a test if so many people drop out.

1  
2                   COMMISSIONER NIGRO: Well everything  
3 that's rated could be called a test certainly.  
4 Every piece of training that you do at, at the  
5 academy you either have to complete it or it's  
6 given them a grade. It is, it can be considered a  
7 test that you must pass in order to move out... to  
8 show a skill in that activity. But getting back to  
9 the FST we will have our report in a couple of  
10 weeks. I think we should meet on that...

11                   CHAIRPERSON CROWLEY: Right.

12                   COMMISSIONER NIGRO: ...and talk, talk  
13 more about.

14                   CHAIRPERSON CROWLEY: I'm going to  
15 recognize Council Member Rosenthal. Before I do I'd  
16 like to note that we've been joined by Public  
17 Advocate James and I believe she'll have some  
18 questions momentarily. But we've also been joined  
19 by Council Member Corey Johnson and Council Member  
20 Rosenthal.

21                   CO-CHAIRPERSON ROSENTHAL: Thank you and  
22 you know I want to preface my questions by thanking  
23 you for coming and for, and, and preface my  
24 questions by saying look I have no doubt that we  
25 have the best fire department you know possible.

1 And you're fully committed to finding ways to bring  
2 more women and more minorities into the fire  
3 department. I'm hearing that from you today. And  
4 you know I really, of course that's very much  
5 appreciated. So I just wanted to preface my  
6 questions with that understanding and that  
7 appreciation. I guess what I found disconcerting in  
8 your testimony was that you said that you have a  
9 validation, you're doing a, a, you have a contract  
10 with PSI to validate the FST. Is that correct?

12 COMMISSIONER NIGRO: Actually the law  
13 department has that contract it's, it's not our  
14 contract.

15 CO-CHAIRPERSON ROSENTHAL: Okay you  
16 stated that the FST, I mean this, we can go back  
17 and we'll look at the testimony is a job related  
18 activity, is testing the job related activities.

19 COMMISSIONER NIGRO: that's correct.

20 CO-CHAIRPERSON ROSENTHAL: Okay. And  
21 you've said that you guarantee that the results  
22 will be fair.

23 COMMISSIONER NIGRO: That's also  
24 correct.

1  
2 CO-CHAIRPERSON ROSENTHAL: But you don't  
3 have the results, we're going to get the results in  
4 a few weeks. [cross-talk]

5 COMMISSIONER NIGRO: No I said the  
6 results, the, people taking the FST it will be  
7 conducted in a fair manner and I believe...

8 CO-CHAIRPERSON ROSENTHAL: Who is it  
9 that set the criteria for what the testing would  
10 be, what the PSI testing would be.

11 COMMISSIONER NIGRO: Mm.

12 CO-CHAIRPERSON ROSENTHAL: In the  
13 contract, who, who wrote the contract... [cross-talk]

14 COMMISSIONER NIGRO: The law department  
15 and...

16 CO-CHAIRPERSON ROSENTHAL: ...the law  
17 department?

18 COMMISSIONER NIGRO: ...PSI, yes.

19 CO-CHAIRPERSON ROSENTHAL: So the law  
20 department determined what would be in the  
21 contract?

22 COMMISSIONER NIGRO: Yes it did.

23 CO-CHAIRPERSON ROSENTHAL: Okay. Did the  
24 law department take into account the number of  
25

women who are currently in the fire department who would participate in any study that would be done?

COMMISSIONER NIGRO: I'm sorry I, I can't speak for what the you know, I don't know what the law department took into consideration, I do not know.

CO-CHAIRPERSON ROSENTHAL: Do you believe as the fire commissioner that that study will adequately represent the interests of women in the fire department? The results... [cross-talk]

COMMISSIONER NIGRO: I would hope so but I won't know until I see the results which will be in a couple of weeks.

CO-CHAIRPERSON ROSENTHAL: So the contract was signed when?

COMMISSIONER NIGRO: Don't know that either.

CO-CHAIRPERSON ROSENTHAL: And do you know how long the contract is, when you're expected to get the results?

COMMISSIONER NIGRO: This is you know outside the fire department's house...

CO-CHAIRPERSON ROSENTHAL: Okay.

COMMISSIONER NIGRO: ...so to speak.

1  
2 CO-CHAIRPERSON ROSENTHAL: That, I only  
3 mention it because you raised it in your testimony.  
4 You said as for the validation process of the FST  
5 I' eager to get the results of the PSI report in a  
6 few weeks. So I'm asking you about the PSI report.

7 COMMISSIONER NIGRO: I am eager to get  
8 it and then we'll see what it, what it contains you  
9 know and going forward.

10 CO-CHAIRPERSON ROSENTHAL: You also  
11 mentioned that, and I just want to see that I'm  
12 right about this in two paragraphs above that you  
13 said that you're seeking an outside consultant to  
14 come into the academy in 2015 and make independent  
15 recommendations.

16 COMMISSIONER NIGRO: That is correct.

17 CO-CHAIRPERSON ROSENTHAL: Have you  
18 selected who will do that contract yet?

19 COMMISSIONER NIGRO: We have not but  
20 Chief Leonard, our chief of department will be  
21 actively, has already begun looking for someone,  
22 looking for somebody with experience. And we  
23 hopefully will find someone very soon... [cross-talk]

24 CO-CHAIRPERSON ROSENTHAL: Have you  
25 issued an RFP?

COMMISSIONER NIGRO: No we have not.

CO-CHAIRPERSON ROSENTHAL: When you issue the RFP would you mind sharing that with the council?

COMMISSIONER NIGRO: Absolutely not.

CO-CHAIRPERSON ROSENTHAL: Okay thank you. How many fire houses does the fire department have?

COMMISSIONER NIGRO: 200 and... now...218?

I, I don't know.

CO-CHAIRPERSON ROSENTHAL: And how many have female restrooms currently?

COMMISSIONER NIGRO: I think we're on target what we promised. The numbers are somewhere. I don't know if they're in the statistics that we handed out but I can get you that information certainly. Certainly not as many as should and I was very surprised when I came back to the department that this was still an issue that should have been an issue corrected a long time ago.

CO-CHAIRPERSON ROSENTHAL: Right. I'm just interested because in your testimony you say you've added four more restrooms and you put 16 more in development so that's 20 on top of how ever

1 many were there. And I'm just, are we talking  
2 about, so there are currently 20 or are there...  
3 [cross-talk]  
4

5 COMMISSIONER NIGRO: Oh no there are  
6 currently... [cross-talk]

7 CO-CHAIRPERSON ROSENTHAL: ...are  
8 currently 50...

9 COMMISSIONER NIGRO: ...many more than  
10 that.

11 CO-CHAIRPERSON ROSENTHAL: ...or currently  
12 a hundred? Roughly. Ball park.

13 COMMISSIONER NIGRO: 50.

14 CO-CHAIRPERSON ROSENTHAL: Roughly 50  
15 have female restrooms and your goal is to have 100  
16 percent by when?

17 COMMISSIONER NIGRO: There's 50  
18 remaining so there are over...

19 CO-CHAIRPERSON ROSENTHAL: Oh 50  
20 remaining.

21 COMMISSIONER NIGRO: ...150 that have...

22 CO-CHAIRPERSON ROSENTHAL: Got it.

23 COMMISSIONER NIGRO: So within two  
24 years...

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CO-CHAIRPERSON ROSENTHAL: And what's...

[cross-talk]

COMMISSIONER NIGRO: ...we, which is what we committed to last year we will have all of our firehouses with female facilities.

CO-CHAIRPERSON ROSENTHAL: Although this year you were only able to get to 20 so I'm wondering how are you going to get to 50 within two years. You're going to up the number?

COMMISSIONER NIGRO: We will, we have committed to get to that number so we will do what it takes.

CO-CHAIRPERSON ROSENTHAL: When is the next academy training?

COMMISSIONER NIGRO: December 29<sup>th</sup>.

CO-CHAIRPERSON ROSENTHAL: And how many women will enter into the academy training?

COMMISSIONER NIGRO: In this... the next class, do we know? More than 10? We believe more than 10.

CO-CHAIRPERSON ROSENTHAL: Can I just ask if letters have, I mean it's December 10<sup>th</sup> today so is it, the reason you don't know is because people have not responded to letters? Is

1 that why? How many letters went out to invite women  
2 to attend the academy?  
3

4 COMMISSIONER NIGRO: I think we said is  
5 there are more than 10 who were considered for this  
6 class so we think... I don't, I don't have the exact  
7 number in front of me. It's certainly... [cross-talk]

8 CO-CHAIRPERSON ROSENTHAL: So...

9 COMMISSIONER NIGRO: ...slightly more than  
10 10 is what I've heard.

11 CO-CHAIRPERSON ROSENTHAL: So and how  
12 many people will be in the academy?

13 COMMISSIONER NIGRO: Just over 300 will  
14 start.

15 CO-CHAIRPERSON ROSENTHAL: Just over  
16 300. So I got to do this. I'm sorry I have to say  
17 this out loud, I guess I'm not that good. 10  
18 percent of 300 is 30 right? So five percent would  
19 be 15. So you're hoping that three percent, you've  
20 admitted roughly three percent of that training  
21 class are women and are you, do you have any  
22 expectation with your new training supervisor that  
23 you've hired that the entire 10 will come out?  
24  
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2 COMMISSIONER NIGRO: I certainly, my  
3 expectation is that most people, men and women,  
4 that begin probie school will graduate because as...

5 CO-CHAIRPERSON ROSENTHAL: What's the  
6 general graduation rate out of the academy?

7 COMMISSIONER NIGRO: You know it's, it's  
8 gone up and down. In the previous class we had a  
9 unfortunate outbreak that we lost some folks not  
10 due to their own issues so it, it has fluctuated.  
11 There is no...

12 CHAIRPERSON CROWLEY: Commissioner  
13 there's only been four classes. Can you provide us  
14 an average of the four classes?

15 COMMISSIONER NIGRO: I could if I could  
16 do the math fast enough.

17 CO-CHAIRPERSON ROSENTHAL: Well I was  
18 willing to publically...

19 CHAIRPERSON CROWLEY: I would, I, I'd...

20 CO-CHAIRPERSON ROSENTHAL: ...humiliate  
21 myself...

22 CHAIRPERSON CROWLEY: ...say the average  
23 is, is...

24 COMMISSIONER NIGRO: 85 percent... [cross-  
25 talk]

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES JOINTLY WITH

COMMITTEE ON CONTRACTS AND COMMITTEE ON WOMEN'S ISSUES 55

CHAIRPERSON CROWLEY: ...going to be close to 20 percent dropout rate.

CO-CHAIRPERSON ROSENTHAL: 85 percent come out so... [cross-talk]

COMMISSIONER NIGRO: 85 percent.

CO-CHAIRPERSON ROSENTHAL:  
...hypothetically eight women will come out of that class?

COMMISSIONER NIGRO: Right.

CO-CHAIRPERSON ROSENTHAL:  
Hypothetically.

COMMISSIONER NIGRO: Well and it's not... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: We hope.

COMMISSIONER NIGRO: ...over those four classes so...

CHAIRPERSON CROWLEY: There's a...

CO-CHAIRPERSON ROSENTHAL: No I understand.

CHAIRPERSON CROWLEY: ...greater dropout rate for women.

CO-CHAIRPERSON ROSENTHAL: So lastly I'm just going to ask you...

COMMISSIONER NIGRO: There has been.

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CHAIRPERSON CROWLEY: Has been.

COMMISSIONER NIGRO: There has been.

CO-CHAIRPERSON ROSENTHAL: ...do you have any reservations about Intro 529?

COMMISSIONER NIGRO: I don't have any reservations at all with providing that information. You know I, I believe we provided most of it. I'm sorry if it was delayed. We can provide all... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: I haven't seen it. I, I may know... [cross-talk]

COMMISSIONER NIGRO: We can provide all of it. And so I have no reservations in providing it I, I just don't know... I was never asked for it and didn't provide it so I didn't know the need for legislation.

CO-CHAIRPERSON ROSENTHAL: Okay so...

COMMISSIONER NIGRO: But certainly...

CO-CHAIRPERSON ROSENTHAL: ...on Monday we introduce the bill to ask for this information. Over 20 of my colleagues have signed on. So I think I'm going to extrapolate from that that there might be a need. And do you think that I, I didn't see what you brought in today and you know I respect

1 anyone who's seen it, that's fine. But do you think  
2 I could see what information you did bring in  
3 today? And what of what we asked for is missing and  
4 I'd like to know why whatever information is  
5 missing is not okay.

7 COMMISSIONER NIGRO: Sure. Absolutely.

8 CO-CHAIRPERSON ROSENTHAL: When would,  
9 when could we know that information by?

10 COMMISSIONER NIGRO: I thought you, I  
11 thought it was distributed but...

12 CO-CHAIRPERSON ROSENTHAL: A hundred  
13 percent of all of it?

14 COMMISSIONER NIGRO: No, no there were a  
15 few, I said there were a few items we did not...

16 CO-CHAIRPERSON ROSENTHAL: So I'd like  
17 to know...

18 COMMISSIONER NIGRO: ...get to.

19 CO-CHAIRPERSON ROSENTHAL: ...what's  
20 missing so I can only know what's missing if I know  
21 what you have. So maybe we could find that out  
22 today.

23 COMMISSIONER NIGRO: I'll try to do  
24 that.

1  
2 CO-CHAIRPERSON ROSENTHAL: Thank you  
3 very much. I'm sorry I took so much time.

4 CHAIRPERSON CROWLEY: No thank you Co-  
5 Chair Rosenthal. Commissioner just point of  
6 clarification for classes the dropout rate from the  
7 statistics that were provided range from anywhere  
8 to, from the smallest dropout rate being 11 percent  
9 to the largest dropout rate being greater than 24  
10 percent. Now one would look at these rates and say  
11 the academy has become more difficult since the  
12 Vulcan Society Lawsuit. What were the rates when  
13 you were in the academy? What were the rates 10  
14 years ago? What were the rates before the, the  
15 Vulcan Society Lawsuit? I doubt that you had  
16 academy classes where 25 percent of the  
17 participants were dropping out or as great as, or  
18 as little... you know in your recent four classes the  
19 smallest amount was 11 percent. I doubt prior to  
20 2006 you had dropout rates... Question is has the  
21 academy, is the academy a tougher, more physically  
22 demanding academy today than it's ever been in the  
23 history of the fire department?

24 COMMISSIONER NIGRO: Well I, that's a  
25 pretty tough question. As you pointed out before

1 there was one class here that had a very high  
2 dropout rate which does slightly skew the  
3 statistics. The reason for that class I'll try to  
4 find out for you. I don't know why that seems to  
5 stand out that so many folks... [cross-talk]

6  
7 CHAIRPERSON CROWLEY: I think that's  
8 because the FST...

9 COMMISSIONER NIGRO: ...dropped out of  
10 that class.

11 CHAIRPERSON CROWLEY: ...was a critical  
12 graduation rate and the...

13 COMMISSIONER NIGRO: Oh.

14 CHAIRPERSON CROWLEY: ...standard for  
15 which they needed to pass it was much greater than  
16 the other three classes. And maybe the previous  
17 commissioner realized that from our last hearing  
18 that we had right around that time that graduating  
19 time was happening.

20 COMMISSIONER NIGRO: Well certainly as  
21 you stated we spend a lot of money bringing people  
22 in and training them and a high dropout rate is  
23 unacceptable for any academy so we don't want to  
24 see that continue.

1  
2 CHAIRPERSON CROWLEY: I appreciate that  
3 it's a vigorous academy and that it is longer in  
4 time than previous academies and that there is more  
5 today to learn and to train and more to be prepared  
6 for but if it's a more difficult class to graduate  
7 it seems as if the department is putting an unfair  
8 disadvantage on the newer participants. And that's  
9 what we need to get to the heart of today. Is it a  
10 more difficult program to graduate from? Are these  
11 new probies at a greater disadvantage than prior to  
12 2006?

13 COMMISSIONER NIGRO: I would, I would  
14 not know.

15 CHAIRPERSON CROWLEY: Okay Council  
16 Member Cumbo.

17 CO-CHAIRPERSON CUMBO: Thank you Madam  
18 Chair. Good afternoon. Wanted to ask you in your  
19 testimony commissioner, in your fourth paragraph  
20 you said one other thing become apparent which is  
21 that I would need a whole new team to get this  
22 done, a team that shared my priorities and my deep  
23 desire to correct the inequalities I was seeing.  
24 Can you tell us a little bit about what you  
25 inherited when you came in and what were some of

1 the challenges that you were seeing in terms of the  
2 team you inherited versus the team you created.

3  
4 COMMISSIONER NIGRO: Well I, I think I  
5 made clear when I was sworn in and I stated over  
6 and over it's time, it's time for this department  
7 to not be led by a judge to be told what's fair and  
8 what's not fair but to...

9 CO-CHAIRPERSON CUMBO: Mm-hmm.

10 COMMISSIONER NIGRO: ...recognize what  
11 fairness means and to be an advocate for fairness.  
12 So as new commissioners usually do they have the  
13 opportunity to pick a new team, to pick new leaders  
14 for the department. So in selecting each and every  
15 person that was the highest thing on my priority  
16 was that this person shared a vision with me that  
17 our department has, has not obviously not been as  
18 diverse as it should and always and should be  
19 moving forward. So that's what this team is all  
20 about.

21 CO-CHAIRPERSON CUMBO: Was the team that  
22 you inherited, were there any women or any  
23 minorities on that immediate team that you  
24 inherited at that time?

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COMMISSIONER NIGRO: Fewer than, than are now. And I don't, I think there were times at some meetings where there were no women or minorities present. At least, you know in the fire department as this whole hearing is about the uniform force of the department is not very diverse, especially not gender diverse. So the opportunity for uniform folks to be part of the team not, not very easy. But in the civilian staff we have the opportunity to select in different ways.

CO-CHAIRPERSON CUMBO: How often do you have classes? I mean how often does a class come out?

COMMISSIONER NIGRO: Our academy class are twice a year.

CO-CHAIRPERSON CUMBO: Twice a year. So this next one will be coming up you said in 2015?

COMMISSIONER NIGRO: It, it will begin on, just at the end of the year December 29<sup>th</sup> and they will graduate in the Spring of 2015.

CO-CHAIRPERSON CUMBO: And you anticipate out of that, that, you said that there

1 will be approximately 300 individuals that you  
2 anticipate would graduate out of that class?

3  
4 COMMISSIONER NIGRO: We will hope the  
5 great majority of that class, we do all we can in  
6 mentoring and training to get each and every member  
7 to big investment through the class, men and women.

8 CO-CHAIRPERSON CUMBO: And you  
9 anticipate that, you just anticipate that hopefully  
10 10 women that are currently there would graduate  
11 out of that class?

12 COMMISSIONER NIGRO: That's, I do.

13 CO-CHAIRPERSON CUMBO: Now let me ask  
14 you a question. In terms of minorities specifically  
15 what is the percentage of minorities that are part  
16 of that 300?

17 COMMISSIONER NIGRO: In the next class..  
18 we don't, we don't have those figures yet.  
19 Certainly each and every class in the last four  
20 have been historically more diverse than any class  
21 in fire department history.

22 CO-CHAIRPERSON CUMBO: I find it  
23 interesting because of the nature of this hearing  
24 and, and also in terms of you understanding the  
25 nature of the spotlight that's been put on the fire

1 department in terms of minority recruitment and  
2 your desire to want to change the team that you  
3 would not know with such a small number of  
4 individuals 300, what percentage you believe are  
5 minorities. Do you have a ballpark figure in that  
6 way?  
7

8 COMMISSIONER NIGRO: We don't have the  
9 class list so giving a ballpark figure would, would  
10 be... The only thing I could say is we had said going  
11 through the list from now till 2017, 47 percent of  
12 the people on that, remaining on the list are  
13 minorities.

14 CO-CHAIRPERSON CUMBO: Say that again,  
15 I'm sorry.

16 COMMISSIONER NIGRO: Between now and  
17 when this list will expire in 2000 be, at the end  
18 of 2016 so which would cover the next four classes  
19 47 percent of the people on that list are minority  
20 candidates. So if this class reflects, which it  
21 should, approximately that, that mix it should be  
22 about 47 percent minority.

23 CO-CHAIRPERSON CUMBO: Okay.

24 COMMISSIONER NIGRO: But I, I can't be  
25 specific because we, the letters go out. They, some

1 people don't answer them. Some people... and we give  
2 them time. We'll probably know next week the exact  
3 makeup of the class.  
4

5 CO-CHAIRPERSON CUMBO: Because as you  
6 say I know that you, you've stated that there is a  
7 lot of minority recruitment that's going on and you  
8 want to be able to understand how successful you  
9 are in that or if there have been actions not taken  
10 or taken that would get you to the numbers that  
11 would be acceptable and successful.

12 COMMISSIONER NIGRO: Certainly the  
13 recruitment that took, this current group that  
14 we're, we're picking from were, took a test that  
15 was recruited a number of years ago..

16 CO-CHAIRPERSON CUMBO: Mm-hmm.

17 COMMISSIONER NIGRO: ...our recruitment  
18 going forward which will beginning next year will  
19 be for the test that's, will be given in 2017.

20 CO-CHAIRPERSON CUMBO: I see. What would  
21 be a successful number for you in terms of  
22 incremental in terms of women that are  
23 participating in the academy. Where would you under  
24 your leadership like to see this number move  
25 towards in terms of what you think is realistic,

1 what's happening in other cities and states, what  
2 you think your, your personal power is to, to move  
3 that agenda, where would you like to see that  
4 number moved to?  
5

6 COMMISSIONER NIGRO: Well certainly we,  
7 you know I could be unrealistic and say I'd like to  
8 see us not even have to have this hearing because  
9 of course we'd have so many women it would be a  
10 non-issue. But the benchmark apparent, seems to be  
11 in the country 15 to 17 percent. And I think if our  
12 department could move in that direction I would be  
13 tremendously pleased and very successful.

14 CO-CHAIRPERSON CUMBO: One other  
15 question before I, I yield my time to our public  
16 advocate who I know has a tremendous schedule  
17 today.. Have you studied in terms of looking at what  
18 other cities and states are doing, in terms of you  
19 mentioned that the, we understand and recognize  
20 what the national average is, have we looked at  
21 what those practices are and maybe even visited  
22 some of those cities or had some of those  
23 individuals come to New York City so that way they  
24 can demonstrate what are the tactics that they are  
25 utilizing in order to change that dynamic?

1  
2                   COMMISSIONER NIGRO: Certainly this is  
3 part of our plan going forward, part of our  
4 strategic plan is to look at best practices, to  
5 copy them, to use the best ones in order that we  
6 can successfully recruit women that will become  
7 firefighters in the future. That has not been a  
8 focus of the department in the, for the past and  
9 it's the results are certainly clear as we go over  
10 these numbers today.

11                   CO-CHAIRPERSON CUMBO: And my final  
12 question, wanted to note, what is your maternity  
13 leave policy? How do you address issues as it  
14 pertains to maternity leave for the women that are  
15 firefighters within the department?

16                   COMMISSIONER NIGRO: Certainly we have a  
17 very I would say liberal maternity leave because  
18 it's not a job that people can do while pregnant  
19 and I don't think we've had an issue with that as  
20 far as I, as far as I know doctor have we?

21                   DOCTOR PREZANT: So first and foremost  
22 we follow the city practices when it comes to  
23 maternity leave of course. Firefighters also have  
24 unlimited medical leave and a reasonable number of  
25 light duty assignments that can be used. During, we

1  
2 do not actually require anybody to tell us that  
3 they're pregnant so we're not moving through the  
4 workforce and saying you're pregnant you need to  
5 have a light duty job or a medical leave job. They  
6 have to come forward to us to tell them that  
7 they're pregnant and typically that happens in the  
8 third trimester alright, since this is a very  
9 difficult physical job to perform right. At that  
10 time we evaluate them, we utilize their own OBGYN  
11 doctor to give us information about what they could  
12 and could not do alright. And as I said when they  
13 request medical leave that is available to them and  
14 otherwise they're placed to light duty but only in  
15 those last months.

16 CO-CHAIRPERSON CUMBO: Can you describe  
17 to me what light duty reflects in your department?

18 DOCTOR PREZANT: Well light duty  
19 reflects an opportunity for someone to help the  
20 department going forward but in a non-firefighting  
21 capacity alright. So that they would be doing  
22 either office work or training work or policy  
23 development. There's lots of things that people can  
24 do.

25 CO-CHAIRPERSON CUMBO: Thank you.

CHAIRPERSON CROWLEY: Thank you Council Member Cumbo. I'd like to now recognize public advocate Tish James.

PUBLIC ADVOCATE JAMES: Thank you Madam Chair and I apologize for my cold. Commissioner as you know I filed an amicus brief in support of the Vulcan Society which led to the district court's decision finding intentional discrimination with an FDNY and I've stood with them repeatedly. And now I am prepared to, and to stand with the women in regards to getting redress with an FDNY because I also see some inequality. And so I applaud you for your interest in understanding the test impacts on recruits because as you know in the decision it specifically talked about the adverse impact or the adverse effect on minority applicants that was the decision of the district court. And so clearly if this case were to go to court that same standard would be applied. What is the adverse impact on women recruits? And so I understand that based on your testimony that you have removed the critical pass component of the FST ensuring that the FST score is part of the probie's overall grade. My suggestion to you or my question to you is why not

1 use the FST as a yardstick as opposed to a bar for  
2 these women probies?

3  
4 COMMISSIONER NIGRO: Well I think again  
5 when we get the results of PSI's evaluation which  
6 will be before this class begins and certainly  
7 before the F, even as this class moves into the  
8 academy the FST doesn't immediately begin we can  
9 look at what, what their recommendations are, we  
10 can talk about it, we can meet about it and see  
11 what the FST will be for the next class and how we  
12 will use the FST.

13 PUBLIC ADVOCATE JAMES: Is the FDNY  
14 still under a court order?

15 COMMISSIONER NIGRO: We are under a  
16 court order on the Vulcan case absolutely and a  
17 court monitor.

18 PUBLIC ADVOCATE JAMES: And is the court  
19 monitor, is the purpose of the court monitor to  
20 oversee implementation of the injunctions  
21 requirement which obviously affects minorities but  
22 in, it also includes a, the work of the consultant  
23 any... to ward off the possibility of any litigation?  
24 Would you be open to the possibility of expanding  
25 the purview of the court monitor to look at the

1  
2 impacts and the impacts of the, of any test on  
3 women recruits?

4 COMMISSIONER NIGRO: I certainly would  
5 consult with the law department about that before I  
6 would commit to anything like that but...

7 PUBLIC ADVOCATE JAMES: Would you be  
8 open to suspending the FST particularly in light of  
9 the possibility of litigation and hopefully saving  
10 not only New Yorkers' money and another  
11 embarrassing decision by a district court?

12 COMMISSIONER NIGRO: If I believed that  
13 the FST was a barrier to women you know in its  
14 current, current way it's used I would. But I do  
15 not, I do not believe that right now.

16 PUBLIC ADVOCATE JAMES: Can I ask you a  
17 question? Is the FST used in any other jurisdiction  
18 in this nation?

19 COMMISSIONER NIGRO: I do not know.  
20 Exactly as it is probably not but I'm sure similar  
21 activities are used by other departments.

22 PUBLIC ADVOCATE JAMES: If the FST is  
23 not used in any other jurisdiction in this country  
24 what is so unique about FDNY?

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COMMISSIONER NIGRO: It, if the FS, if the FDNY stopped using the FST today we would have to use something else very similar to the FST, maybe we would call it something else. We would still need to have our people do activities similar to what's in the current FST so it would not, we would not accept the CPAT as, you took the CPAT, come in we'll give you a few classes, academic classes and welcome to the fire department and assign you to a, a unit. That would be, that would be completely irresponsible of us. So if we didn't have the FST we would have something else that resembled the FST.

PUBLIC ADVOCATE JAMES: Do you, do you not think that the CA, CPAT is sufficient?

COMMISSIONER NIGRO: I think it's sufficient to measure someone's ability to enter the academy only.

PUBLIC ADVOCATE JAMES: Commissioner are you aware that seven percent of the United States Marine Corp are women?

COMMISSIONER NIGRO: I certainly know that a higher percentage of the Marine Corp are

1 women in the fire department, yes. I didn't know  
2 seven percent but...

3  
4 PUBLIC ADVOCATE JAMES: It's seven  
5 percent and they also have physical restrictions.  
6 And is it your testimony that the physical demands  
7 of the Marine Corp are more tougher, arduous than  
8 the FDNY?

9 COMMISSIONER NIGRO: I don't know if  
10 they're harder or easier, no I do not know that.

11 PUBLIC ADVOCATE JAMES: Commissioner I  
12 would urge you to work with the chair as well as  
13 the members of this committee as well as my office.  
14 I am hoping that we could stave off any additional  
15 litigation and any additional court monitors that  
16 would have over, more oversight over the department  
17 than you. And I would hope that we could work  
18 together to increase the number of women. It's my  
19 understanding that in 2012 1,952 women applied.  
20 Clearly there is an interest and the fact is that  
21 if we only have I believe the number was six, is  
22 that the number, six women entering into the new  
23 class something is structurally, institutionally  
24 wrong. And I hope that we can fix it together.

1  
2                   COMMISSIONER NIGRO: Absolutely I, and I  
3 look forward to as soon as we get the results  
4 having a meeting with your office and, and with the  
5 council about the FST and about the results.

6                   PUBLIC ADVOCATE JAMES: Thank you  
7 Commissioner but I...

8                   COMMISSIONER NIGRO: Thank you.

9                   PUBLIC ADVOCATE JAMES: ...do want the  
10 women of FDNY, of, the women who are interested in  
11 becoming proud members of the fire department that  
12 I am ready willing and able to file an additional  
13 lawsuit. Thank you.

14                  CHAIRPERSON CROWLEY: Thank you Public  
15 Advocate. I too hope that we do not have to see an  
16 additional lawsuit in part, the reasons in having  
17 this hearing today. But Commissioner it's  
18 disingenuous to think that this committee or the  
19 council does not want your academy to have  
20 training. We just want to make sure your academy is  
21 not a testing academy. Because the participants  
22 before they came in have already been tested. And I  
23 think that you know...

24                  COMMISSIONER NIGRO: Is there an academy  
25 in the world that is not a testing academy?

CHAIRPERSON CROWLEY: Okay, I'd would  
like to have...

COMMISSIONER NIGRO: I don't know.

CHAIRPERSON CROWLEY: ...recognize Council  
Member Koslowitz for questions.

COUNCIL MEMBER KOSLOWITZ: Thank you  
Madam Chairs. I, you know I'm sitting here and I  
feel like it's Deja vu. When I was in the council  
in the 90s we sat here talking about minorities,  
not enough minorities being in the fire department.  
And here we are still not enough but at the same  
time now we're talking about not enough women are  
in the fire department. And as the public advocate  
just said a lot of them apply and I understand that  
some of them don't meet the test. In your list of  
functional skills training you have a whole bunch  
of things that you expect people to do to pass the  
test. I understand that. Is running part of it?  
People have to run... [cross-talk]

COMMISSIONER NIGRO: It's not part of  
the functional skills training, no.

COUNCIL MEMBER KOSLOWITZ: No, where  
does running fit into this?

1  
2 COMMISSIONER NIGRO: There's a, a run  
3 before people enter the academy and there's a run  
4 at the, before they leave the academy.

5 COUNCIL MEMBER KOSLOWITZ: Is it 1.5  
6 miles?

7 COMMISSIONER NIGRO: That is correct.  
8 It's 1.5 miles. They're required to run that in 13  
9 minutes to enter the academy and in 12 minutes to  
10 leave the academy.

11 COUNCIL MEMBER KOSLOWITZ: And what's  
12 the percentage of women that don't pass that?

13 COMMISSIONER NIGRO: I think that's in  
14 our statistics here. It is a very very small  
15 percentage. And I'd like to repeat the root cause  
16 as I try to say before if we hired everyone, if  
17 everyone passed the root cause for us not reaching  
18 where we should be is that we're, we're not  
19 reaching these people. They're not being, it's not  
20 because they're all being eliminated in the  
21 academy. If everyone that went to the academy  
22 passed we'd have a few more women but not nearly  
23 enough and not nearly the goals we want to reach.  
24 So where we're losing the people is in recruitment  
25 and retention and getting them to the starting

1 gate. If we can get them to the starting gate of  
2 the academy in larger numbers we will have the  
3 numbers we need.  
4

5 COUNCIL MEMBER KOSLOWITZ: What about  
6 the 19 hundred that the public advocate just..

7 COMMISSIONER NIGRO: These are people...  
8 well I... it was less... but these are people that have  
9 applied. Many of them may not have passed. You know  
10 there's a test. They, they may have written a 50 on  
11 exam. I don't know what they did. So people  
12 applying, the number of folks applying... or they  
13 might have written a mark that's so low that we  
14 will not reach them in a four year period. That  
15 number remains fairly small, the number of women we  
16 can reach in that four year period. What we need to  
17 do is increase that number so that we can get them  
18 to our academy, get them through our academy and  
19 they can have a successful career as firefighters,  
20 that is our goal.

21 COUNCIL MEMBER KOSLOWITZ: Alright  
22 because the truth of the matter is I don't see how  
23 necessary running is, I see it's necessary to run  
24 away from a fire which we wouldn't expect people to  
25 do. But I, and I'm quoting my colleague here Rory

1 Lancman, but I can't understand why running is that  
2 important. What's the age group of, that people can  
3 apply...  
4

5 COMMISSIONER NIGRO: Can apply to the,  
6 to the... you have to be 21 to be hired for the  
7 department and less than 29 so there's an eight, an  
8 eight year span. You can take the test at a younger  
9 age but you must be 21 and you can't be older than  
10 29. You can be slightly older if you have military  
11 service.

12 COUNCIL MEMBER KOSLOWITZ: Okay. Alright  
13 thank you very very much.

14 CHAIRPERSON CROWLEY: Council Member  
15 Mealy.

16 COUNCIL MEMBER MEALY: Good morning. I  
17 just wanted to be very brief. I have just a  
18 statement and about two questions. I just want to  
19 thank the new commissioner, I haven't met you as of  
20 yet, I'm glad. Pam Lassiter welcome. It's easy to  
21 just go really in on you. We know what we need, we  
22 need more diversity in the fire department. But  
23 just by you coming in and changing your whole staff  
24 that is a, a statement all by itself. It's better  
25 you could.. people talk about it but when you do it

1 I said the proof is in the pudding. I'm, I'm, thank  
2 you for doing that because it's almost like the  
3 fire department's just a good ol' boys club. And  
4 which you have taken a stand now and put a whole  
5 lot of diversity that diversity will be at that  
6 table now making decisions for all New Yorkers and  
7 I know it will be a better one. And I'm the chair  
8 of civil rights so I will be speaking to you Ms.  
9 Lassiter and your staff to make sure... and one thing  
10 I wanted to ask you was after you said finally you  
11 and your staff and your colleagues will recruit  
12 more retention for female candidates. And you  
13 stated that you would do it from the civil service  
14 list through its entire four year life. Could you  
15 explain that a little to me?  
16

17 COMMISSIONER NIGRO: well I think the  
18 current list that we're working from has two years  
19 left to run. And in examining that list we found  
20 that the people that are hireable over the next two  
21 years are a list that includes 60 women and 47  
22 percent minorities. So we want this list to run, to  
23 run out its full allowable time by law before we  
24 give another exam so that we can reach a higher  
25 number of minority candidates and women. In the

1 meantime over the two years while we are hiring off  
2 that list we intend to do targeted recruiting in  
3 order that the people that are on the next list  
4 going forward are even more diverse so that this  
5 department more reflects the city that it serves  
6 and that's the goal.

8 COUNCIL MEMBER MEALY: That's good. I'm  
9 just looking forward. And Liz Holtzman I just want  
10 to thank her for her advocacy. She's my 'Shero'. We  
11 need more women out in all walks of agent, every  
12 agency, in the fire department, the police  
13 department just as well. So I'm looking forward to  
14 seeing the next chapter of the N, fire department  
15 because I have family in the fire department. And I  
16 know a lot of young girls would love to be a  
17 firefighter and they need that opportunity to be  
18 fair and just. So I thank you, I thank all these  
19 phenomenal women chairing these, this hearing. I  
20 should have been on it just as well but I'm glad to  
21 be here with my colleagues. Thank you so much.

22 COMMISSIONER NIGRO: Thank you.

23 CHAIRPERSON CROWLEY: We are next  
24 supposed to hear from Council Member Lancman but  
25 please before we do I just wanted to say that

Council Member Ben Kallos was here before, he's chairing a committee just next door and he chairs the committee that has oversight of the law department and the department of citywide services.

COUNCIL MEMBER KALLOS: Thank you.

CHAIRPERSON CROWLEY: Council Member Kallos.

COUNCIL MEMBER KALLOS: Thank you for coming here today. Thank you for your responsiveness to the introduction from last week. I look forward to working with our chairs at this hearing; Cumbo and Crowley and Rosenthal and also our, our women's caucus leader Mealy as well as the public advocate and so many others on the council and throughout the city on this issue of both city and national significance. I'm focused a little bit on the exams so first pieces is just, is, is anyone on the panel able to run 1.5 miles in 13 minutes or 12 minutes?

COMMISSIONER NIGRO: Anyone on what panel?

COUNCIL MEMBER KALLOS: This, this current panel.

1  
2                   COMMISSIONER NIGRO: I, I certainly  
3 can't. I don't know if my two colleagues can.

4                   COUNCIL MEMBER KALLOS: You, you can?

5                   COMMISSIONER NIGRO: I, I cannot.

6                   COUNCIL MEMBER KALLOS: Oh, okay..

7                   COMMISSIONER NIGRO: I could certainly  
8 when I was on the fire department but not now.

9                   COUNCIL MEMBER KALLOS: I, I, I will  
10 admit I'm a triathlete and I can finish the race  
11 but I'm not sure I can do 1.5 miles in 13 minutes  
12 or 12 minutes. And that means that, so I can swim  
13 1.5k, I can bike 50k, and I can do a 10k after that  
14 but trying to get me to do that 13 minute 1.5 mile  
15 will be pretty difficult. I'm a fast swimmer, not a  
16 runner. Is it related to, is being able to do that  
17 1.5 miles in 13 minutes related to being a  
18 firefighter?

19                   COMMISSIONER NIGRO: I will, before I  
20 turn the microphone over to my colleague who can  
21 explain it more fully firefighters do not normally  
22 run one and a half miles as, in part of their job  
23 but there is a very specific reason why we use the  
24 one and a half mile run and Doctor Prezant will  
25 explain it.

1  
2 DOCTOR PREZANT: I, I very much  
3 appreciate your question and the ability to answer  
4 it because I think the optic here is wrong.  
5 Alright, the 1.5 mile run in 13 minutes is not job  
6 task specific, it is not essentially job task  
7 relevant and that is not why it is being done. It  
8 is being done because we are concerned that  
9 firefighters may be, firefighter candidates,  
10 probational people being trained in the academy,  
11 may actually have a life threatening problem  
12 because we're training them at a very high level.  
13 So we want to just make certain that they have the,  
14 reach the physical fitness conditioning level so  
15 that they can safely go through the academy and so  
16 that they don't have to worry about their  
17 conditioning and they can concentrate on the  
18 academic skills and the practical skills necessary.  
19 So all we are doing is very similar to the armed  
20 forces who also use a 1.5 mile run. We just want to  
21 make certain that you can do it in 13 minutes so  
22 that you are physically fit enough to appreciate  
23 the academy, get through it safely, and be trained  
24 safely. It is not the run that defines whether you  
25 can be a firefighter.

1  
2 COUNCIL MEMBER KALLOS: Is there a  
3 national standards body or somebody who would say  
4 that because I cannot do a 1.5 mile... I, I can do a  
5 triathlon so is there a body out there that says  
6 that even though I can do a triathlon and even  
7 though my BMI might be below 20 percent that  
8 somehow I am not physically fit enough to be a, a  
9 firefighter even as a male.

10 DOCTOR PREZANT: We're, we're, we're not  
11 asking if you're physically fit enough to be a  
12 firefighter, we're asking if you're physically fit  
13 enough to be trained as a firefighter as an entry  
14 13 minute run. We're using, very similar times to  
15 the US Armed Forces, Army, Navy, and Marines.  
16 Alright the Marines were mentioned before. We're  
17 using very similar times. The different armed  
18 forces, one of them uses 1.5, the other uses two  
19 miles but we're using very similar times. And..

20 COUNCIL MEMBER KALLOS: Do Marines have  
21 to run 1.5 miles or more on a regular basis? Do  
22 troop deployments involve doing 10 miles in a day  
23 with a rucksack on your back?

24 DOCTOR PREZANT: And like I said the  
25 reason why the armed forces do this at entry level

1  
2 is the same reason we do it. Not because it's a job  
3 task specific requirement but because it's a  
4 measure of the physical fitness so that people can  
5 succeed at the academy. We have found in the past  
6 that if people are physically fit when they enter  
7 the academy they graduate from the academy. We  
8 don't want anyone going home so tired that they  
9 can't study for the academic skills, so tired that  
10 they can't participate in the practical skills,  
11 that's the purpose of this.

12 COUNCIL MEMBER KALLOS: Is the, is there  
13 a national standard's body? Is there a doctor? Is  
14 there somebody who says that physical fitness is  
15 defined as running 1.5 miles in 13 minutes?

16 DOCTOR PREZANT: Yes.

17 COUNCIL MEMBER KALLOS: That the sole  
18 and only measure...

19 DOCTOR PREZANT: There are...

20 COUNCIL MEMBER KALLOS: ...there is out  
21 there in which case I don't think anyone in this  
22 room is physically fit.

23 DOCTOR PREZANT: They are, the question  
24 is are you physically fit enough to be a  
25 firefighter. There are multiple studies that have

1 shown that firefighting requires the equivalent of  
2 what's called 12 METS, or 40 milliliters per  
3 kilogram per minute oxygen consumption. 1.5 miles  
4 at a roughly, somewhere between 12 and 13 minutes  
5 is close to the equivalent, a little bit less than  
6 the equivalent of 40 milliliters per kilogram per  
7 minute oxygen consumption or 12 METS. In other  
8 words it's the amount of physical fitness that has  
9 been shown in multiple studies, not by the fire  
10 department, but by multiple experts to be necessary  
11 to safely perform in a fire.  
12

13 COUNCIL MEMBER KALLOS: Are there other  
14 exercises that are differently demanding that  
15 require 40 METS but aren't running 1.5 miles in 13  
16 minutes?

17 DOCTOR PREZANT: Yes.

18 COUNCIL MEMBER KALLOS: Could those be  
19 offered as well?

20 DOCTOR PREZANT: Absolutely. [cross-  
21 talk]

22 COUNCIL MEMBER KALLOS: Okay could we  
23 also reexamine whether or not that 13 minute  
24 standard is actually job related?  
25

1  
2                   COMMISSIONER NIGRO: I think as, as he  
3 stated it's not, it doesn't need to be job related  
4 because that's not the reason we use it. And, and I  
5 might add that in the last four classes two people  
6 dropped from the classes because of the run out of,  
7 out of the classes which consisted of over 12  
8 hundred people. So the run, it's not eliminating  
9 these large numbers of people who are in training.  
10 The people, if you're saying like 12 or 13 minutes  
11 for a mile and a half will eliminate everybody in  
12 this room, I'm not turned around to see everyone in  
13 this room, but it certainly doesn't eliminate most  
14 of the candidates that apply to the fire  
15 department, it does not. Most of them are perfectly  
16 capable of doing 13 minutes and 12 minutes.

17                   COUNCIL MEMBER KALLOS: Moving over to  
18 the exams I have oversight of the Department of  
19 Citywide Administrative Services, the Department of  
20 Citywide Administrative services is responsible for  
21 administering the tests that are administered; the  
22 Candidate Physical Ability Test and they  
23 established the eligibility list. In terms of that  
24 is there any intention to improve the exam and to  
25 use a consultant that hasn't already produced an

1 exam with questionable results to improve the exam  
2 before the next...

3  
4 COMMISSIONER NIGRO: I do not think  
5 we've begun those conversations with DCAS about the  
6 next exam. I'm not, I'm not certain of that. I..  
7 [cross-talk] I have not participated in any  
8 discussions with DCAS about the next exam, I can  
9 say that.

10 COUNCIL MEMBER KALLOS: My, my  
11 understanding is that you create the exam and then  
12 DCAS administers it?

13 COMMISSIONER NIGRO: That we, the fire  
14 department creates the exam? I think the exam is  
15 created by DCAS.

16 COUNCIL MEMBER KALLOS: So I guess is it  
17 possible to make sure that the next exam  
18 administered by DCAS is fair and equitable across  
19 gender, race, and any other area?

20 COMMISSIONER NIGRO: I would certainly  
21 expect it to be.

22 COUNCIL MEMBER KALLOS: Yes please.

23 CHAIRPERSON CROWLEY: Oh thank you.

24 SANFORD COWEN: I'm, I'm unaware of... My  
25 name is Sanford Cowen, I'm the..

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CHAIRPERSON CROWLEY: Sir, I'm sorry...

before you introduce yourself for the record if you could please affirm that you will tell this body the whole truth and nothing but the truth in your testimony and any questions you answer?

SANFORD COWEN: I do, okay. My name is Sanford Cowen [sp?] I'm the Deputy General Counsel for Human Capital at DCAS. The, test that has been recently administered by DCAS has been administered pursuant to a process approved by the court overseeing the, the case involving the Vulcans. Most recently in 2013 the court approved exam number 2000 as permissible, non-discriminatory, and there's, there's never been an issue so far as I'm aware about CPAT. So CPAT is not something that we're considering revising for the next test, at least now unless there's some indication that there needs to be an elimination of some barrier either in terms of national origin or race or gender that eliminates women from participating in the academy. There is a process underway now pursuant to the court's approval to enter into a contract with PSI to develop the next test for 2017 and that's based on the court's recognition that the last test that

1 was developed by PSI proved to be useful and non-  
2 discriminatory for the selection of, of minority  
3 candidates. There, there, there's not an issue so  
4 far as I'm aware of the entry-level tests for women  
5 being excluded by the DCAS test. So I guess the  
6 short answer is no we're not considering making  
7 changes along those lines.

9 COUNCIL MEMBER KALLOS: Are there any  
10 other, does the city of New York with its 350  
11 thousand employees have anyone who could help in  
12 house in addition to PSI? Or are there other  
13 consultants available that aren't PSI that could  
14 also provide support?

15 SANFORD COWEN: Well DCAS is established  
16 for the purpose of creating exams at all levels and  
17 of course we have consultants but PSI is the court  
18 approved test developer at least for the next round  
19 of tests.

20 COUNCIL MEMBER KALLOS: Thank you.  
21 Courtesy of Council Member Helen Rosenthal who  
22 actually brought this issue up when we had a  
23 oversight hearing with DCAS earlier. I think just  
24 any improvements we can make to the exam would be  
25 great and then she, she came up with some great

1 questions that I'm just going to follow up with  
2 which is if the 13 minute run is to make sure  
3 you're fit enough to enter the academy and there,  
4 there is for whatever reason a reason why is there  
5 then the requirement that there be another run at  
6 the end in order to graduate with one minute less  
7 if it's unrelated to the job? So you've, you've  
8 demonstrated that you're physically fit enough to  
9 go in and now you do all the work and now you have  
10 to be one minute faster to something that you've  
11 admitted is not job related.  
12

13 DOCTOR PREZANT: It was instituted to  
14 help candidates to have a milestone to improve  
15 their fitness as they go through the academy  
16 however it has not been a problem in anybody  
17 leaving the academy. The only people who have had  
18 problems with the exit run... let me restart. The 13  
19 minute run gets you into the academy safely. The 12  
20 minute run was merely meant to be one minute faster  
21 so that people could have a milestone for their  
22 training purposes. It has not been a problem in  
23 people leaving the academy. The only people that  
24 have not been able to do the run at the end of the  
25 academy have been a few people that were injured.

1 That's, that's it alright. So again as the  
2 commissioner was saying neither...

3  
4 CHAIRPERSON CROWLEY: Excuse... sorry. I  
5 read something different, it was in the New York  
6 Post so I don't know how true it was so... no pun  
7 intended. The, there was an article that said  
8 somebody who was a female firefighter who passed  
9 the 13 minutes who participated in the rigors of  
10 the FST who passed through that but was not allowed  
11 to graduate because in the Post it said that she  
12 ran the mile and half in 12 minutes and like five  
13 seconds. And it actually criticized her for having  
14 that, for the department giving her the second  
15 test. But you're saying here today that it, it  
16 shouldn't be a critical requirement for graduation  
17 but it's used as... So there, first there's been a  
18 situation where a woman did not graduate and become  
19 a firefighter because of that change from 13 to 12  
20 and that woman did everything else right in the, in  
21 the FST and scored academically well on your other  
22 tests.

23 COMMISSIONER NIGRO: Well I, you know I  
24 don't want to get into the individual case because  
25 it is still an ongoing case somewhere. One of the

1 reasons we are bringing a consultant in in this  
2 next lass is to look at that. If there is an effect  
3 we haven't seen the effect of people not graduating  
4 because of the 12 minute run. The individual you  
5 are talking about may have been injured and it may  
6 have precluded her from finishing the run. If in  
7 fact we find that that 12 minute standard is using  
8 too much training time to get people to that  
9 standard we will review it. It is not, as many  
10 other things I have said many times before our  
11 standards are not etched in stone. They are not  
12 housed in a, somewhere where they cannot be  
13 adjusted. If that number is found to be  
14 inappropriate or the time used to get people to  
15 that number we feel can be better used somewhere  
16 else we will look at it. It, it is not immovable.

18 CHAIRPERSON CROWLEY: I'm going to  
19 recognize my colleague Council Member Rory Lancman  
20 but it was just a yes or no question. There was a  
21 fact reported in the New York Times. Was that true  
22 or was it not true? New York Post that, that  
23 somebody did not graduate from the academy because  
24 they although entered running the, the mile and a  
25 half.. [cross-talk]

1  
2                   COMMISSIONER NIGRO: They did not  
3 graduate from the academy. The reason for which not  
4 graduating in my understanding is they were  
5 injured. Whether that resulted in their inability  
6 to, to do that in the proper time and how the  
7 injury occurred is, these are all issues that are  
8 in, involved in an ongoing case. [cross-talk]

9                   CHAIRPERSON CROWLEY: We're just trying  
10 to make the academy fair.

11                   COMMISSIONER NIGRO: Excuse me.

12                   CHAIRPERSON CROWLEY: We just want to  
13 make sure the academy is fair.

14                   COMMISSIONER NIGRO: Absolutely. We  
15 certainly all do.

16                   CHAIRPERSON CROWLEY: And PSI is looking  
17 at that mile and a half?

18                   COMMISSIONER NIGRO: PSI is looking at  
19 the FST. But as we, as I stated in the testimony we  
20 will be bringing in someone to look at all of our  
21 physical training, whether it's our, how we do our  
22 calisthenics, our run, etcetera.

23                   CHAIRPERSON CROWLEY: Council Member  
24 Lancman.

1  
2 COUNCIL MEMBER LANCMAN: Thank you. Good  
3 afternoon. So being a firefighter is obviously  
4 extraordinarily physically demanding and we're  
5 having this conversation in the context of there  
6 being extraordinary unrepresentation of women in  
7 the fire department obviously, both in absolute  
8 terms and compared to any other, or compared to  
9 other fire departments in the country. And I come  
10 to this conversation with two not mutually  
11 exclusive interests. One, if I ever need to call  
12 the fire department because there's a fire in my  
13 house I want to make sure that whoever shows up has  
14 the skills, the endurance, the ability to do  
15 whatever is necessary to rescue me and, and my  
16 family. And number two, I also want to make sure  
17 that if my two daughters decide that they want to  
18 be firefighters that they have every opportunity to  
19 do so based solely on the merits and their ability  
20 to, to be excellent firefighters. I want to drill  
21 down on the physical requirements that the  
22 department imposes and, and, and sets for people to  
23 be firefighters. And just bear with me a little bit  
24 because I know that in the course of your testimony  
25 and the questions maybe each of these questions has

1 been answered but maybe not the way that I'm asking  
2 it or in one sequence. So let me understand. The  
3 first physical test of an applicant is the CPAT,  
4 and that they need to take to qualify for the  
5 academy, correct?  
6

7 COMMISSIONER NIGRO: Correct.

8 COUNCIL MEMBER LANCMAN: And then the  
9 next physical test is they have to do a 1.5 mile  
10 run in a certain amount of time before they can  
11 enter the, the academy, correct?

12 COMMISSIONER NIGRO: Also, also correct.

13 COUNCIL MEMBER LANCMAN: And then at the  
14 academy they have to take and pass the FST which is  
15 part skills but also a, a physical test of  
16 endurance and, and, and strength etcetera. And in  
17 order to graduate they also need to pass, take a  
18 one and half mile run and complete it in certain,  
19 some certain time period? Those, that's basically  
20 the, the, the physical tests that, that  
21 firefighters need to, to complete from start to, to  
22 finish before they leave the academy and, and  
23 become firefighters? Am I getting that right.

24 COMMISSIONER NIGRO: Yes you are.  
25

1  
2 COUNCIL MEMBER LANCMAN: Okay so in  
3 order for me to understand what role if any the  
4 CPAT, the FST, the 1.5 mile run plays in either  
5 properly or improperly weeding out firefighters  
6 male or female I need some basic statistics. And I  
7 don't know if these are the statistics that the  
8 chair alluded to at the beginning of her remarks  
9 the fire department wasn't able to provide but let  
10 me just ask them directly. For the, the class that  
11 graduated in December 2013 which as I understand is  
12 the only class to have graduated since 2008. How  
13 many women took the CPAT which is necessary to  
14 qualify for the academy?

15 COMMISSIONER NIGRO: Everyone that got  
16 into the class passed the CPAT. If you don't pass  
17 the CPAT you can't move forward to the next step.

18 COUNCIL MEMBER LANCMAN: No that I know.  
19 I need to know how many women took the CPAT and  
20 then my next question would be how many women  
21 passed the CPAT. And then that would tell me  
22 potentially whether or not the CPAT is one of the  
23 obstacles to women entering the academy. Then I,  
24 then my next question would be is that rate similar  
25 to the rate of males passing or failing the CPAT?

1  
2 SANFORD COWEN: I think I can help you  
3 with that Council Member. There were 127 women who  
4 were invited to take the CPAT. 54 passed.

5 COUNCIL MEMBER LANCMAN: Did those 107  
6 women take the CPAT?

7 SANFORD COWEN: I'm sorry 54 took the  
8 CPAT...

9 COUNCIL MEMBER LANCMAN: 54 women took  
10 the CPAT.

11 SANFORD COWEN: ...took the CPAT out of  
12 the 137, 127 who were invited to take it.

13 COUNCIL MEMBER LANCMAN: Okay. And of  
14 those 54 women who took the CPAT how many passed?

15 SANFORD COWEN: 31.

16 COUNCIL MEMBER LANCMAN: 31. And do you  
17 know if that pass rate is similar or different than  
18 the pass rate of men who took the CPAT?

19 SANFORD COWEN: It appears to be  
20 different.

21 COUNCIL MEMBER LANCMAN: Appears to be  
22 different. And I'm going to...

23 SANFORD COWEN: And, and lower.

24 COUNCIL MEMBER LANCMAN: Lower. Do you  
25 know how much lower?

1  
2 SANFORD COWEN: I, it looks to me as  
3 though the pass rate for women was close to 60  
4 percent and the pass rate for men was about 95  
5 percent.

6 COUNCIL MEMBER LANCMAN: About 95  
7 percent. Now in this review that's going to be  
8 conducted is the CPAT going to be evaluated for  
9 whether or not it's appropriate and necessary?

10 COMMISSIONER NIGRO: No it is not.

11 COUNCIL MEMBER LANCMAN: Okay. Well I  
12 would strongly urge that you conduct that  
13 evaluation.

14 COMMISSIONER NIGRO: I think that... well  
15 I think the evaluation of the CPAT has taken place  
16 over many years and, and it has been by, by many  
17 standards approved to be an appropriate test for  
18 entry to fire departments around the country.

19 COUNCIL MEMBER LANCMAN: Now since  
20 you're doing a, a review and you have this outside  
21 consultant looking at another aspect of the  
22 physical requirements which I guess we'll get to I  
23 would urge you to either ask that consultant to  
24 similarly evaluate the CPAT since there is such a  
25 very wide disparity between the percentage of women

1  
2 passing and men or some kind of up to date internal  
3 review.

4           COMMISSIONER NIGRO: The consultant is  
5 being brought in to evaluate the training academy.  
6 The CPAT is part of the entry exam that the fire  
7 department does not administer. So the people, the  
8 person I bring in will be brought in to administer  
9 what the fire department does... [cross-talk]

10           COUNCIL MEMBER LANCMAN: The CPAT is  
11 administered by DCAS?

12           COMMISSIONER NIGRO: Yes it is.

13           COUNCIL MEMBER LANCMAN: I would expect  
14 and I would hope that DCAS is administering the  
15 CPAT based on criteria and standards that the fire  
16 department has requested and asked otherwise I  
17 don't know how DCAS would come up with... [cross-  
18 talk]

19           COMMISSIONER NIGRO: I think it's that  
20 fire departments in general have for many years  
21 after this has been developed used and approved  
22 and, and had examined. It, it is a, an entry level  
23 exam that has had many years' experience and many  
24 years of approval by, all over this country.

1  
2 COUNCIL MEMBER LANCMAN: When you say  
3 many years of experience and approval can you tell  
4 me when was the last time that the fire department  
5 itself took a look at the CPAT and evaluated it for  
6 whether given current circumstances it is an  
7 appropriate metric to use?

8 DOCTOR PREZANT: The fire department was  
9 part of the 10 city taskforce that originally  
10 helped work with the IFFF and the federal  
11 government in designing the CPAT and that was done  
12 between, in 1999 and the IFFF working with the  
13 federal government and many other fire departments  
14 revalidated the entry-level exam in 2012.

15 COUNCIL MEMBER LANCMAN: Okay. Alright  
16 let' move on. The next physical test is the 1.5  
17 mile run to enter the academy. For the class of,  
18 that graduated in 2013 can you tell me how many  
19 women took that 1.5 mile test and how many of those  
20 passed?

21 COMMISSIONER NIGRO: I'll see if I have  
22 that number. I could provide that. I don't see it  
23 here right away. We'll be sitting here looking  
24 through...

1  
2 COUNCIL MEMBER LANCMAN: If you could  
3 provide that... [cross-talk]

4 COMMISSIONER NIGRO: ...series of numbers.

5 COUNCIL MEMBER LANCMAN: Right I get it.  
6 I, this is essential information because the only  
7 way at least I can evaluate whether or not any of  
8 these physical tests are appropriate has to start  
9 with well how many women are able to pass them or  
10 how many women are being weeded out by those tests  
11 and how does it compare to their male counterparts.  
12 That's not going to be the final answer but it has  
13 to be where the conversation starts. The next  
14 physical test, how many women in that class took  
15 the FST and how many of those passed?

16 COMMISSIONER NIGRO: Took the FST and  
17 how many passed.

18 COUNCIL MEMBER LANCMAN: Right.

19 COMMISSIONER NIGRO: And we're talking  
20 about the probie class one of 2013...

21 COUNCIL MEMBER LANCMAN: That is  
22 correct.

23 COMMISSIONER NIGRO: ...specific class?  
24  
25

1  
2 COUNCIL MEMBER LANCMAN: My understand  
3 that's the only class that has completed the  
4 academy since about 2008.

5 COMMISSIONER: No that's, there are four  
6 classes that completed the academy since then. Two  
7 in 2013 and two in 2014.

8 COUNCIL MEMBER LANCMAN: Okay I stand  
9 corrected then.

10 COMMISSIONER NIGRO: In those four  
11 classes 9 males and 5 females did not pass the  
12 functional skills engine test, there are two tests.

13 COUNCIL MEMBER LANCMAN: So of the five,  
14 now five females failed?

15 COMMISSIONER NIGRO: Yes.

16 COUNCIL MEMBER LANCMAN: In those four  
17 classes?

18 COMMISSIONER NIGRO: That's correct.

19 COUNCIL MEMBER LANCMAN: Okay. How many...

20 COMMISSIONER NIGRO: But now that's, now  
21 it's not a critical fail so you can fail that test  
22 and graduate from the academy.

23 COUNCIL MEMBER LANCMAN: Okay I just,  
24 but we're looking at that as a physical test so  
25 we're looking at whether or not the physical test

1 was having an adverse impact on women candidates.

2 Of the five who failed in order to understand  
3 whether that's a high rate or a low rate I would  
4 have to know how many took the FST. So do you have  
5 that figure?  
6

7 COMMISSIONER NIGRO: Women have been  
8 unsuccessful in the FST, if I don't have to look at  
9 the numbers, in a higher percentage than males yes.

10 COUNCIL MEMBER LANCMAN: I understand  
11 that. And that doesn't completely supreme because I  
12 understand that the different physical strengths...  
13 [cross-talk]

14 COMMISSIONER NIGRO: Not in the current  
15 class though, the most recent class that was not  
16 the case.

17 COUNCIL MEMBER LANCMAN: But of the, of  
18 the four classes where five women failed the FST  
19 how many women took the FST? If six women took the  
20 FST and five failed that might say one thing. If a  
21 hundred women took the FST and five failed that  
22 might say something else. Do you have that number?

23 COMMISSIONER NIGRO: Not, no I don't.  
24 You know again as we go through these numbers we  
25 probably, I don't have them specifically in that

1  
2 format that you're asking therefore it's a bit of a  
3 search. I can search if we want, we want to wait we  
4 can...

5 COUNCIL MEMBER LANCMAN: Alright so  
6 well... We don't need to do it.

7 COMMISSIONER NIGRO: I could, I can find  
8 it.

9 COUNCIL MEMBER LANCMAN: Right but if  
10 you could find it...

11 COMMISSIONER NIGRO: We have all of the  
12 numbers somewhere.

13 COUNCIL MEMBER LANCMAN: No I'm sure you  
14 do. If you can find that and get that to us I would  
15 appreciate it. And then my last question regarding  
16 the numbers is the, which is the last physical  
17 test, the 1.5 mile run to leave the academy or to  
18 graduate from the academy. How many women took that  
19 I guess in the four classes and how many passed?

20 COMMISSIONER NIGRO: I think they all  
21 passed except one person who was injured.

22 COUNCIL MEMBER LANCMAN: Got it.

23 COMMISSIONER NIGRO: That, that was,  
24 that's my understanding.

1  
2 COUNCIL MEMBER LANCMAN: So one thing  
3 that we can... [cross-talk]

4 COMMISSIONER NIGRO: The 12 minute.

5 COUNCIL MEMBER LANCMAN: Right. One  
6 thing that we can infer from the data that you do  
7 have available is the 1.5 mile run at the end of  
8 the academy probably is not playing a role in  
9 preventing women from graduating and becoming  
10 firefighters, correct? If none, if no women have  
11 failed that test...

12 COMMISSIONER NIGRO: The only... Right.  
13 The only other assumption that we need to eliminate  
14 from that is that in preparation for that 12 miles  
15 what, what takes place in the 18 weeks preparing to  
16 reach 12, 12 minutes for the mile and a half.

17 COUNCIL MEMBER LANCMAN: Right.

18 COMMISSIONER NIGRO: Does that have an  
19 adverse effect. And we are going to look at that  
20 yes.

21 COUNCIL MEMBER LANCMAN: Right. But if  
22 all the women are pass... [cross-talk]

23 COMMISSIONER NIGRO: But, but in the  
24 past four classes it has not had an adverse effect  
25 no.

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COUNCIL MEMBER LANCMAN: Okay good. So I would appreciate it if you can get us and get me the data that I asked for regarding the FST and regarding the 1.5 mile run that you need to enter the, the class. And if you can get me the data for the CPAT for the four classes because I think what you gave me and what I had asked for was just for that, that class in 2013 and I think that will at least point us in some direction as to which of these physical endurance requirements if any are really the place where women are stumbling. And then we can see whether or not those requirements... [cross-talk]

COMMISSIONER NIGRO: Certainly. I can get you all of that but again I would repeat where, where the issue lies is in getting people to the starting gate more than the race. Because if, if every one of those few women... the, the problem is there are too few women entering the academy and therefore if you lose one of three it's a terribly high percentage. We need to get more people to the, to the starting gate.

COUNCIL MEMBER LANCMAN: I, I, I understand what you're saying but I think I and not

1  
2 to speak for the committee but I think we need you  
3 to respect that there are two questions that we're  
4 asking. One is why aren't we getting enough women  
5 to apply and the other is whether or not the  
6 physical requirements that the academy or to, to  
7 even become, to enter the academy are an  
8 unnecessary and unreasonable obstacle to women  
9 completing the, the academy. And I don't have  
10 enough information to even start that evaluation.  
11 But I hope that you're able to get it... [cross-talk]

12 COMMISSIONER NIGRO: I'm sure we'll be  
13 able to get you the numbers, yes.

14 COUNCIL MEMBER LANCMAN: And, and we can  
15 work together to achieve our twin goals of making  
16 sure that firefighters who show up to respond to  
17 fires are able to do what they need to do to save  
18 peoples' lives and then all of our daughters,  
19 wives, sisters, or ourselves are able to be  
20 firefighters if they have the, the ability to do  
21 so. Thank you very much.

22 COMMISSIONER NIGRO: Very good.

23 CHAIRPERSON CROWLEY: Council Member  
24 Rosenthal.

25

1  
2 CO-CHAIRPERSON ROSENTHAL: Thank you and  
3 I, you know just to follow up on Council Member  
4 Lancman's questions I appreciate them and I  
5 appreciate your offer to get them. I see there is  
6 quite a bit of that information in the infinite  
7 data you gave this morning. And certainly when we  
8 pass this bill that information would be handily  
9 available. I was able to, I was, I just had to slip  
10 out to go to the hearing next door which happens to  
11 be a review of the mayor's management report and I  
12 asked Director Tarlow if, if she would be willing  
13 to just work with you to see if that would be, if,  
14 if the information that we'll be getting out of  
15 this bill would be appropriate to be posted in the  
16 mayor's management report as well. Of course she  
17 was completely non-committal but I would ask you  
18 to, to work with her to see if this is, would be  
19 something that would be appropriate to be reported  
20 as part of what the mayor reports out as to how the  
21 agencies are doing. It could be another home for it  
22 in addition to other places.

23 COMMISSIONER NIGRO: I'll certainly  
24 discuss that with her absolutely.

1  
2 CO-CHAIRPERSON ROSENTHAL: Great. Thank  
3 you. I appreciate that. I really want to talk about  
4 the PSI contract where we're expecting the results  
5 in a couple of weeks. First of all I'm a little  
6 constrained of course in talking about it as I see  
7 you are as well. Is there anyone here, Rachel, is  
8 there anyone here from the law department who might  
9 be able to answer some of our questions given that  
10 the law department was the one that executed this  
11 contract? Is there anyone here from the law  
12 department who might be able to talk about the PSI  
13 contract... Hi, great.

14 [background conversations]

15 GEORGIA PESTANA: Hi, hi I'm Georgia  
16 Pestana [sp?] from the law department and I know  
17 that Zach Carter [sp?] the corporation council  
18 forwarded you the contracts with PSI and that cover  
19 letter expressly said that we were producing them  
20 without waiting any privileges. So I don't mean to  
21 be disrespectful or uncooperative but I do have to  
22 assert whatever privileges would apply to the  
23 information and I hope you understand that.

24 CO-CHAIRPERSON ROSENTHAL: Would that be  
25 something you could consider to waive with

1  
2 privileges? I'm going to respect that 100 percent  
3 and not going to ask about information that's in  
4 that contract. But what I'm asking is you know in  
5 an era when we're having fully transparent  
6 administration and this is a contract that would  
7 identify whether or not a physical test which is  
8 you know above and beyond the physical that we just  
9 learned 60, you know the CPAT test at DCAS where 95  
10 percent of men pass 60 percent of women pass and  
11 that's a test that's been approved by the DOJ so  
12 we're to feel comfortable with that. So now we're  
13 looking at a test at the academy that is different  
14 right? They've already been approved, they've  
15 already been approved, tested, and approved to join  
16 the fire department. Now they're going into the  
17 academy and there's a question about whether or not  
18 the physical test that it, they have to take and  
19 they know they have to take it going in and that  
20 might explain some of the drop off between women  
21 who pass through DCAS and now want to go to the  
22 academy. But they now know they have to take a test  
23 that may or may not be job related. The law  
24 department has executed a contract with PSI to  
25 determine whether or not it's job related and I'm

1 wondering why the law department wouldn't want the  
2 details of that contract which I would imagine tell  
3 us what the contract is going to study, who it is  
4 that's going to figure out what is in that study  
5 and who's going to take the study, why the  
6 administration wouldn't want that information to be  
7 public.  
8

9                   GEORGIA PESTANA: I'm sorry you have the  
10 contract and it does in fact have all of that  
11 information... [cross-talk]

12                   CO-CHAIRPERSON ROSENTHAL: Yes, and  
13 you've made it very clear to me I'm not allowed to  
14 talk about what's in the contract.

15                   GEORGIA PESTANA: No I don't think  
16 that's what his... we... [cross-talk]

17                   CO-CHAIRPERSON ROSENTHAL: Please,  
18 you're the lawyer I'm not.

19                   GEORGIA PESTANA: I'm, I'm not sure  
20 that's what his cover letter meant. We were saying  
21 we were producing it to you but that doesn't waive  
22 our privilege with respect to any, any contracts  
23 you ask for in the future. So that was out there  
24 now. Okay.  
25

1  
2 CO-CHAIRPERSON ROSENTHAL: So I'm  
3 allowed to ask questions about...

4 GEORGIA PESTANA: Yes about, except that  
5 I may not be able to answer all of them. It depends  
6 on what you ask.

7 CO-CHAIRPERSON ROSENTHAL: Thank you.  
8 I'm not a lawyer, I don't think I understand what  
9 legal terms mean. So let me ask you having read the  
10 contract... hang on my council is whispering in my  
11 ear. Okay I'm sorry we're going to need to swear  
12 you in.

13 GEORGIA PESTANA: Oh sorry.

14 CO-CHAIRPERSON ROSENTHAL: I just don't  
15 know...

16 CHAIRPERSON CROWLEY: Do you affirm to  
17 tell the truth in your testimony or in answering  
18 the questions before this committee today?

19 GEORGIA PESTANA: I do.

20 CO-CHAIRPERSON ROSENTHAL: Okay and you  
21 know I just want to be clear if there's anything  
22 where obviously no you say you won't answer...

23 GEORGIA PESTANA: I'll, I'll assert the  
24 privilege when I think...

25 CO-CHAIRPERSON ROSENTHAL: Correct.

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GEORGIA PESTANA: ...it's appropriate.

CO-CHAIRPERSON ROSENTHAL: Alright. Very good. So in my reading of the contract it's the fire, the members of the fire department who are constructing what will be studied. I think it specifically says 10 to 12 firefighters I think in the leadership positions will lay out what the criteria are. So the fire, I'm concerned obviously that the independence of the contract is, would be invalidated if it is the fire department itself who determines what is going to be studied.

GEORGIA PESTANA: No the fire department did not determine what was going to be studied. The law department determined what was going to be studied... what the contract refers to are subject matter experts, SMEs I think...

CO-CHAIRPERSON ROSENTHAL: Yes, exactly.

GEORGIA PESTANA: Those are firefighters and fire officers, I think primarily fire officers.

CO-CHAIRPERSON ROSENTHAL: It was 10 to 15 incumbent firefighters, supervisors, and academy trainers to review the draft task and equipment.

1  
2 GEORGIA PESTANA: Right. What happens is  
3 all tests are validated in accordance with the  
4 EEOC's uniform guidelines on test...

5 CO-CHAIRPERSON ROSENTHAL: EEOC?

6 GEORGIA PESTANA: The equal employment  
7 opportunity commission.

8 CO-CHAIRPERSON ROSENTHAL: Okay. Is that  
9 a city agency?

10 GEORGIA PESTANA: No that's the federal.

11 CO-CHAIRPERSON ROSENTHAL: Okay thank  
12 you.

13 GEORGIA PESTANA: That's part of the  
14 Department of Justice. They were also involved in  
15 the validation of the CPAT. So anyway...

16 CO-CHAIRPERSON ROSENTHAL: Yes.

17 GEORGIA PESTANA: So they're in the 70s,  
18 the EEOC issued guidelines to everyone who develops  
19 tests on how to develop tests that in, are in  
20 conformance with Title 7. And there are three  
21 different ways to develop tests depending on what  
22 you are assessing. So the contract specifically  
23 states I think in like one of the first few  
24 paragraphs that the FST will be evaluated in  
25 accordance with the uniform guidelines and with

1  
2 also something called the Society for industrial  
3 organizational psychologists, SIOPs guidelines, so  
4 that sets out the framework for how you evaluate  
5 any selection procedure. Those are the guidelines  
6 that I asked PSI to use so the, the rest of that  
7 letter is sort of saying how they will implement  
8 those guidelines in evaluating the FST. The, one of  
9 the things that they did was make, collect a task  
10 list what it is firefighters actually do and what  
11 equipment they use to do, to perform those tasks  
12 and they had the 10 to 15 subject matter experts  
13 review the lists to say you know did we miss  
14 anything, you know what is the most important, what  
15 is the least important. So they use them as the  
16 subject matter expert to say you know you missed  
17 you know 25... [cross-talk]

18 CO-CHAIRPERSON ROSENTHAL: And did you,  
19 just real quickly before you move on and I really  
20 appreciate your testimony are there any women among  
21 those 10 to 15?

22 GEORGIA PESTANA: The, they were two,  
23 PSI selects the samples.

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CO-CHAIRPERSON ROSENTHAL: Yeah, I mean

I noticed that there were 10 to 15 there were no requirement about gender or ethnic background.

GEORGIA PESTANA: The always oversample minorities and women to the extent they can. I mean they're not, not that many women in the department so they, they get as many of them as they can to participate. So there should have been and I probably have some document in my office that tells me the answer to that but I don't remember.

CO-CHAIRPERSON ROSENTHAL: Well I'd be curious to know... I mean the results are coming out in two weeks.

GEORGIA PESTANA: Mm-hmm.

CO-CHAIRPERSON ROSENTHAL: So hypothetically we know the answer to that question whether or not there were women who were... [cross-talk]

GEORGIA PESTANA: Yes... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: ...included in the SMEs.

GEORGIA PESTANA: I just don't know it off of the... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: Sure.

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GEORGIA PESTANA: And... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: Keep going.

GEORGIA PESTANA: PSI will deliver to me a report at the end of this entire process that lays out exactly the numbers and...

CO-CHAIRPERSON ROSENTHAL: Yeah.

GEORGIA PESTANA: ...the composition of each of the groups of subject matter experts and you know we'll share that report when it's done. So the first phase...

CO-CHAIRPERSON ROSENTHAL: Yep.

GEORGIA PESTANA: ...which you can see in the contract was to evaluate the FST and another part of the academy called the practical skills training... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: Yep. And I noticed too the 1.5 mile run requirement is part of it as well.

GEORGIA PESTANA: I forgot that. I haven't...

CO-CHAIRPERSON ROSENTHAL: And yet it is. Which we just heard it was not so it's a little disconcerting but keep going.

1  
2 CO-CHAIRPERSON ROSENTHAL: So they are,  
3 they, the first part of the...

4 COMMISSIONER NIGRO: I might, excuse me,  
5 say that I've never seen the contract so this is  
6 the first I've heard about also. Thank you.

7 GEORGIA PESTANA: It's a law department  
8 contract.

9 CO-CHAIRPERSON ROSENTHAL: I'm sorry.

10 GEORGIA PESTANA: It was, the, it was  
11 not shared with the fire department. It was a  
12 contract that the law department entered into when  
13 we were threatened with litigation.

14 CO-CHAIRPERSON ROSENTHAL: So you didn't  
15 share the contents of this contact with the fire  
16 department?

17 GEORGIA PESTANA: Before I entered into  
18 it? No I did not.

19 CO-CHAIRPERSON ROSENTHAL: And they have  
20 not seen it as of today?

21 GEORGIA PESTANA: I don't know that the...

22 COMMISSIONER NIGRO: I have said I have  
23 not seen it...

24 CO-CHAIRPERSON ROSENTHAL: I'm, I'm  
25 asking...

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COMMISSIONER NIGRO: ...so that's you know

I have not seen it which is why I answered I did...

CO-CHAIRPERSON ROSENTHAL: Sure.

COMMISSIONER NIGRO: ...not believe the  
one and half mile run...

CO-CHAIRPERSON ROSENTHAL: Has anyone...

COMMISSIONER NIGRO: ...was part of it.

CO-CHAIRPERSON ROSENTHAL: ...in your  
department seen this run, seen this contract? Your...

COMMISSIONER NIGRO: I don't know.

CO-CHAIRPERSON ROSENTHAL: ...your general  
council maybe?

COMMISSIONER NIGRO: Yes.

CO-CHAIRPERSON ROSENTHAL: Your general  
council...

COMMISSIONER NIGRO: My council has seen  
it, yes.

CO-CHAIRPERSON ROSENTHAL: Okay. Would  
you be willing... and I'm interrupting you...

GEORGIA PESTANA: Mm-hmm.

CO-CHAIRPERSON ROSENTHAL: ...but would  
you be willing to share this contract with the  
public?

1  
2 GEORGIA PESTANA: I'd have to ask the  
3 corporation council.

4 CO-CHAIRPERSON ROSENTHAL: Okay thank  
5 you. I'd appreciate your getting back to me on  
6 that. Continue with your story because it's a long,  
7 there are more parts.

8 GEORGIA PESTANA: Okay so the first part  
9 of it was to evaluate the, the FST events and to  
10 tell us whether it needed to change or not. And  
11 they did that. I, I guess they began working April  
12 and they did that and they told this, something,  
13 they made recommendations for change. And they also  
14 said that they needed to examine the way that it's  
15 graded. So there's a change order, that's the  
16 second contract which is a, a new part of the  
17 contract for them to evaluate..

18 CO-CHAIRPERSON ROSENTHAL: Oh I didn't  
19 understand that. That's... [cross-talk]

20 GEORGIA PESTANA: That's...

21 CO-CHAIRPERSON ROSENTHAL: ...the change  
22 order.

23 GEORGIA PESTANA: So...

24 CO-CHAIRPERSON ROSENTHAL: Thank you.  
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GEORGIA PESTANA: ...so when they told us...

[cross-talk] the events... [cross-talk] they, they gave us their recommendations as to the events but said that the, the scoring mechanism they, they thought we needed to change. I entered into the change order for them to evaluate... [cross-talk]

CHAIRPERSON CROWLEY: Excuse me just, not to interrupt you but point of clarification. Did you state that in April you gave the fire department or FST gave the law department and the fire department information on ways to change the FST?

GEORGIA PESTANA: No no that's when PSI started their work in April. The... [cross-talk]

CO-CHAIRPERSON ROSENTHAL: They started their work in April. Can you just let me know if I'm correct, sorry.

GEORGIA PESTANA: That's right. It, it may have been...

CO-CHAIRPERSON ROSENTHAL: For the record.

GEORGIA PESTANA: ...it may have been March you know it takes a while...

1  
2 CO-CHAIRPERSON ROSENTHAL: No no it's  
3 okay.

4 GEORGIA PESTANA: ...to get contracts  
5 signed but... [cross-talk]

6 CO-CHAIRPERSON ROSENTHAL: April 15<sup>th</sup> it  
7 was executed. So that would be for the initial  
8 contract. And then it does say a change order was  
9 executed in September.

10 GEORGIA PESTANA: Right.

11 CO-CHAIRPERSON ROSENTHAL: So between...  
12 within in the month you learned about right, oh  
13 sorry April, little bit of a problem there, April  
14 May June...

15 GEORGIA PESTANA: A couple months.

16 CO-CHAIRPERSON ROSENTHAL: ...July,  
17 August... so within four or five months...

18 GEORGIA PESTANA: Mm-hmm.

19 CO-CHAIRPERSON ROSENTHAL: ...you  
20 determined that even though it actually makes me a  
21 little nervous because the initial contract was  
22 supposed to be two months long. But within four  
23 months you determined that, they determined that  
24 changes had to happen. [cross-talk]

1  
2 GEORGIA PESTANA: They recommended that  
3 changes be made and...

4 CO-CHAIRPERSON ROSENTHAL: Right.

5 GEORGIA PESTANA: ...we spoke to the fire  
6 department at that time and agreed we would make  
7 the changes.

8 CO-CHAIRPERSON ROSENTHAL: So you spoke  
9 to the fire department about what changes would  
10 have to be made?

11 GEORGIA PESTANA: Were recommended to be  
12 made and we all agreed that the changes would be  
13 made. [cross-talk]

14 CO-CHAIRPERSON ROSENTHAL: Okay wait. So  
15 do you have the, those results of what changes had  
16 to be made? Is that public information? [cross-  
17 talk]

18 GEORGIA PESTANA: No, that is not yet.

19 CO-CHAIRPERSON ROSENTHAL: Would it ever  
20 be...

21 GEORGIA PESTANA: It will be.

22 CO-CHAIRPERSON ROSENTHAL: ...public  
23 information?

24 GEORGIA PESTANA: It will be because  
25 that'll be in the final report that's coming out

1 when they're done with the entire... That'll be part  
2 of the final technical report that comes out when  
3 the entire project is done, at this point it's not.

4  
5 CO-CHAIRPERSON ROSENTHAL: It's not  
6 public information what changes were recommended?

7 GEORGIA PESTANA: Right.

8 CO-CHAIRPERSON ROSENTHAL: But then you  
9 did a change order to ask what...

10 GEORGIA PESTANA: For the...

11 CO-CHAIRPERSON ROSENTHAL: ...to the  
12 contract?

13 GEORGIA PESTANA: The change order is  
14 for them to develop a, a graded mecha-doligy for  
15 the FST and that is what they're currently working  
16 on.

17 CO-CHAIRPERSON ROSENTHAL: And you're,  
18 you're wait, you don't the results of that?

19 GEORGIA PESTANA: No.

20 CO-CHAIRPERSON ROSENTHAL: Oaky. So now  
21 I'm a little bit confused so if I misspeak I  
22 apologize. The contract if I'm looking at a change  
23 ordered contract or the original contract... I don't  
24 think that was English. In the original contract

1 the SMEs would then come up with a study, or a  
2 survey... sorry...

3  
4 GEORGIA PESTANA: No no PSI comes up  
5 with the survey.

6 CO-CHAIRPERSON ROSENTHAL: Oh right.  
7 After talking to the 10 to 12 SMEs PSI would come  
8 up with a survey that would then go to 200  
9 incumbent firefighters.

10 GEORGIA PESTANA: Yeah.

11 CO-CHAIRPERSON ROSENTHAL: And so hang  
12 on, so reality check for one second, 200 of 10,500  
13 firefighters roughly, 10,000 firefighters?

14 GEORGIA PESTANA: There's fewer than  
15 that in the firefighter rank.

16 COMMISSIONER NIGRO: Fewer than that.  
17 That's counting officers in the department.

18 CO-CHAIRPERSON ROSENTHAL: Yes, thank  
19 you. So 200 of what number?

20 COMMISSIONER NIGRO: Eight thousand, 79  
21 hundred.

22 CO-CHAIRPERSON ROSENTHAL: Okay  
23 someone's going to have to help me with math. 200  
24 of 8,000 is what percent? Four percent? I'm going,  
25 I'm going to guess 4 unless anyone corrects me. So

1 four percent of the firefighters. And then it does  
2 say you, use the word that you use in the contract.  
3 It says females will be oversampled. And I think  
4 that's where you were thinking about where females  
5 would be included. Because in the contract it  
6 doesn't mention anything about fire, females being  
7 represented as part of the 10 to 15 incumbent  
8 firefighters. So here you say females would be  
9 oversampled. We're going to sample now 200  
10 firefighters. If there are 44 women that are among  
11 the 8,000 how, I'm just thinking in my mind how  
12 would I oversample them. If I go to the number that  
13 is the percentage, 800 of 8,000 that's four  
14 percent. So four percent of 44 right. But now  
15 you're going to oversample right because that would  
16 be silly.

17  
18 GEORGIA PESTANA: Mm-hmm.

19 CO-CHAIRPERSON ROSENTHAL: So let's say  
20 we oversample and we don't do four percent, we jump  
21 up and we do 50 percent of the woman... making it up,  
22 being very generous.

23 GEORGIA PESTANA: Mm-hmm.

24

25

1  
2 CO-CHAIRPERSON ROSENTHAL: That would be  
3 22 women. At which point the sample size of women  
4 in your survey would be 10 percent.

5 GEORGIA PESTANA: I believe your math,  
6 yes.

7 CO-CHAIRPERSON ROSENTHAL: Alright well  
8 I think that's important to note that your, you're  
9 doing a job validation test. PSI is being tasked  
10 to-do a job validation test where they're going to  
11 ask we don't know whether or not women were  
12 included in setting the criteria of what we're  
13 going to be, the SMEs right? And when they're  
14 tested, when they're surveyed at best 10 percent  
15 and possibly if they're truly oversampled and over,  
16 and all 44 women are included 20 percent of the  
17 survey takers would be women... I, I mean right there  
18 you know it does not pass the smell test of  
19 validating whether or not women are impacted by the  
20 FST to me.

21 GEORGIA PESTANA: You have to go back to  
22 what I said at the beginning that the study is done  
23 in conformance with the uniform guidelines set by  
24 the EEOC and the Society for industrial  
25

1  
2 organizational psychologist guidelines. And they  
3 are the ones that set forth...

4 CO-CHAIRPERSON ROSENTHAL: Wow.

5 GEORGIA PESTANA: ...what the proper  
6 sapling is for doing these kinds of evaluations.  
7 And I think the premise that we're looking at the  
8 FST to see what kind of adverse impact it has on  
9 women is not correct. You do the adverse impact  
10 analysis based only on the numbers what the study  
11 is for is to see whether it is job related.

12 CO-CHAIRPERSON ROSENTHAL: Right but how  
13 can you determine whether or not it's job related  
14 if the people take, giving and taking the test are  
15 not women?

16 GEORGIA PESTANA: It's...

17 CO-CHAIRPERSON ROSENTHAL: And...

18 GEORGIA PESTANA: ...the same job.

19 CO-CHAIRPERSON ROSENTHAL: It just  
20 doesn't...

21 GEORGIA PESTANA: I mean it's the, it's  
22 the job of firefighter everyone... [cross-talk]

23 CO-CHAIRPERSON ROSENTHAL: Right but  
24 it's, it's being done within the framework of what  
25 is currently a discriminatory fire department

1 right? So we're not taking a sample. We're not  
2 looking at a fire department like the one in San  
3 Francisco where they have 15 percent women. We're  
4 looking at a fire department that has point four  
5 percent women and within that rubric we're asking  
6 whether or not a test that, that doesn't pass the  
7 smell test for being job related and a one and half  
8 mile run that current officers, current  
9 firefighters, even though the doctor has said that  
10 a firefighter should be able to do this run current  
11 firefighters are not asked to do this test but  
12 that, we're going to trust? I mean the outcome of  
13 that test which by the way the fire commissioner  
14 has said was in his testimony forgot the exact  
15 language is, that the FST is a job, as for  
16 validation of the process for the FST I'm eager to  
17 get the results of the PSI report but in your  
18 testimony you said it was a job related activity.  
19 In your testimony you said that it was a job  
20 related activity. I am curious to know how we can  
21 go into a contract that will be executed by a fire  
22 department whose medical leadership believes that  
23 it is a job related, that components of the FST,

1 the FST, that the FST is job related how are we  
2 going to come out with a unbiased result?

3  
4 GEORGIA PESTANA: I guess... am I allowed  
5 to ask you a question?

6 CO-CHAIRPERSON ROSENTHAL: Go...

7 GEORGIA PESTANA: Which is... how, why do  
8 you think the FST is not job related? I get why you  
9 think it's, has adverse impact... [cross-talk]

10 CO-CHAIRPERSON ROSENTHAL: Well to start  
11 with...

12 GEORGIA PESTANA: ...but I don't... [cross-  
13 talk]

14 CO-CHAIRPERSON ROSENTHAL: ...no other  
15 fire department in the country requires it. Every  
16 other fire department in the country accepts the  
17 CPAT test as being the test to, to bring people  
18 into their fire department.

19 COMMISSIONER NIGRO: And so do we.

20 GEORGIA PESTANA: And and...

21 COMMISSIONER NIGRO: But are you saying  
22 every other department in the united states uses  
23 only the CPAT...

24 CO-CHAIRPERSON ROSENTHAL: You tell me,  
25 you're more... [cross-talk]

1  
2                   COMMISSIONER NIGRO: They do not. I will  
3 tell you they do not only use the CPAT. They all  
4 have their own form of training and testing in the  
5 academy for job related activities. That is  
6 correct. Whether they use the FST in the format the  
7 New York City Fire Department does or not I'm not  
8 saying, but they do more than... [cross-talk]

9                   CO-CHAIRPERSON ROSENTHAL: ...in  
10 comparison... [cross-talk]

11                   COMMISSIONER NIGRO: ...an entry level  
12 physical yes.

13                   CO-CHAIRPERSON ROSENTHAL: You know what  
14 then, I, I'm sorry can I just really quickly, what  
15 I would like to have had the law department look at  
16 then was the nature of the physical test in other  
17 departments, other academies across the country to  
18 see whether or not this one is job related or not.  
19 Because having, I don't think you have to be a  
20 statistician to understand that asking the, the  
21 hen, the fox to you know determine whether or not  
22 the house, hen house is being protected is the  
23 right person to ask.

24                   GEORGIA PESTANA: I think that you need  
25 to talk, speak to the subject matter experts and in

1 this case they are firefighters and it is our fire  
2 department we have to... [cross-talk]

3  
4 CO-CHAIRPERSON ROSENTHAL: ...firefighters  
5 in New York who have passed a, a... a test that we  
6 don't know whether or not is biased. I don't know  
7 whether or not it's biased right. But I want to ask  
8 somebody who's unbiased whether or not it's biased,  
9 not people who participate in the current system.

10 GEORGIA PESTANA: But the... and...

11 CHAIRPERSON CROWLEY: I'm just going to  
12 interject here.

13 GEORGIA PESTANA: Okay.

14 CHAIRPERSON CROWLEY: Council Member  
15 Rosenthal has very valid concerns. We should be  
16 looking at what other academies are doing in their  
17 trainings because people have already tested to get  
18 into those academies. We're trying to compare the  
19 difference between too much testing and not enough  
20 training. We're not arguing about the validity of  
21 FST for training but we want to make sure that it's  
22 not held to a standard where you have to complete  
23 it in untimely manner. In getting at the PSI  
24 contract a lot of discussion was had and I don't

1 want to take too much time but at any point did PSI  
2 go out into the field to determine...

3 [background comments]

4 CHAIRPERSON CROWLEY: Right. Beyond  
5 surveys somebody asked me how long it takes to have  
6 a hearing. I have them every month. I cannot tell  
7 you. I, I can't say if it's going to last four  
8 hours, five hours, or if it's going to be a quick  
9 one, or the average person coming to testify, or  
10 the various demands of, of the job or what I've  
11 done... I cannot remember minute by minute how long  
12 it takes to do certain tasks. And in the process of  
13 job validating something you have to go out to the  
14 field and look at the job. Has at any point in  
15 PSI's job validating process have they gone to fire  
16 companies and gone on with them on runs?

17 GEORGIA PESTANA: Sure. And, and...

18 [cross-talk

19 CHAIRPERSON CROWLEY: It's yes or no.  
20 Have they done that in New York City?

21 GEORGIA PESTANA: Yes, that is actually  
22 I think one of the questions that were asked, was  
23 asked way back why did we select PSI and the answer  
24 to that is you'll remember PSI developed the  
25

1 computer based test that we gave, the written,  
2 well... [cross-talk]

3  
4 CHAIRPERSON CROWLEY: So PSI is an  
5 expert when it comes to physical tests as well as...  
6 [cross-talk]

7 GEORGIA PESTANA: No no they were,  
8 that's when they went out with the fire companies  
9 they actually did field visits to the, the, each of  
10 the boroughs and did a, a latter company and an  
11 engine company and... [cross-talk]

12 CHAIRPERSON CROWLEY: They went out on  
13 emergency runs?

14 GEORGIA PESTANA: They didn't, I don't  
15 know that they went out with them. I think actually  
16 they might... [cross-talk]

17 CHAIRPERSON CROWLEY: You cannot  
18 determine... [cross-talk]

19 GEORGIA PESTANA: ...have gone out with  
20 them... [cross-talk]

21 CHAIRPERSON CROWLEY: ...how long it takes  
22 to do the test until, unless you are in the real  
23 life situation.

24  
25

1  
2                   GEORGIA PESTANA: Well we're not going  
3 to put, have them put out fires but they were on  
4 the... [cross-talk]

5                   CHAIRPERSON CROWLEY: No no but they  
6 could... [cross-talk]

7                   GEORGIA PESTANA: ...on the fire... [cross-  
8 talk]

9                   CHAIRPERSON CROWLEY: ...monitor...

10                  GEORGIA PESTANA: They were, they're at  
11 least once that I know of because...

12                  CHAIRPERSON CROWLEY: At least once?

13                  GEORGIA PESTANA: It, it was in, and I  
14 don't know if you got this...

15                  CHAIRPERSON CROWLEY: Like I, we want to  
16 make sure that you just didn't go to PSI and say  
17 here's our test, now validate it.

18                  GEORGIA PESTANA: No, they were selected  
19 because they already had information based on  
20 their, their work on the computer based test about  
21 what the job of firefighter required.

22                  CHAIRPERSON CROWLEY: Last question  
23 about PSI. They have history of validating physical  
24 tests?

1  
2                   GEORGIA PESTANA: They are primarily a  
3 computer based test company so they retained two  
4 additional people...

5                   CHAIRPERSON CROWLEY: Part of the reason  
6 I want... that although the fire department would  
7 have liked for us to delay this hearing upon the  
8 results of the PSI study we're not convinced  
9 there's a committee that PSI was the right company  
10 to get to job validate this physical training test  
11 because they do not have a history of job  
12 validating physical training tests. They may have  
13 for exams that are written but they have no  
14 history. And the city should do as they did when  
15 they validated CPAT and visit other departments and  
16 see what they're doing successfully.

17                   GEORGIA PESTANA: In the contract you  
18 will note that there are two experts; Deborah... Todd  
19 Baker and Deb Gebhart [sp?]. They are both  
20 nationally known experts in the development and  
21 validation of physical tests for uniformed titles  
22 including firefighters. And those two people were  
23 retained by PSI to be on this taskforce. So yes  
24 there is very highly regarded expertise among the  
25 people who are, who are doing this test and

1 respectfully... [cross-talk] the council does not  
2 choose who the law department selects as an expert  
3 when... [cross-talk]

4  
5 CHAIRPERSON CROWLEY: We don't. But it  
6 opens you up for litigation and we want to prevent...

7 GEORGIA PESTANA: No, no I was actually  
8 defend, getting prepared to defend against  
9 litigation and that's why I chose experts who...  
10 [cross-talk] I am convinced will do a good job.

11 CHAIRPERSON CROWLEY: We're not here to  
12 encourage that. We want to...

13 GEORGIA PESTANA: No.

14 CHAIRPERSON CROWLEY: ...discourage that.  
15 We want... [cross-talk] to help women have a fair  
16 opportunity... [cross-talk]

17 GEORGIA PESTANA: I appreciate that.

18 CHAIRPERSON CROWLEY: ...in the fire  
19 academy.

20 GEORGIA PESTANA: Thank you. I  
21 appreciate that. [cross-talk]

22 CHAIRPERSON CROWLEY: And I, I stand by  
23 my position on making sure that PSI goes out in the  
24 field more to job validate these tasks and  
25 understand the time it takes to do these tasks as

1 best they can rather than going out once. And, and  
2 I, I do appreciate that they've seen that changes  
3 need to be made and changes have been made. So I  
4 look forward to that. We're going to wrap up in  
5 this room pretty shortly but before we do that I  
6 have to recognize my colleague Council Member  
7 Vallone for questions. But the, the committee will  
8 continue next door.

10 COUNCIL MEMBER VALLONE: Thank you Madam  
11 Chairs. Very quickly Commissioner because I know  
12 you've been for three hours and we appreciate your  
13 patience.

14 COMMISSIONER NIGRO: For my endurance.

15 COUNCIL MEMBER VALLONE: Council Member  
16 Lancman used a two point test to summarize what's  
17 best. One that when he makes the call the best  
18 people come to the house to make sure that he can  
19 safely deal with the fire and evacuate his family  
20 and the second was that his two daughters were to  
21 someday have the ability to apply and I agree with  
22 him. I'd like my two daughters at some point to  
23 have that option. However I disagree and that I  
24 don't want anything done on step two to affect step  
25 one. I think the very first point is that the fire

1 department remains the best possible candidates to  
2 do the demands of eight million people in the city  
3 of New York. I would like and I, I appreciate and I  
4 am listening to Council Member Rosenthal and  
5 Crowley's concerns and I, I agree with the anger  
6 when a law department or a contract or a third  
7 party consultant is being used for contractual  
8 purposes and the fire department's not consulted.  
9 My, my concern and I, and my question to you is are  
10 you comfortable with the existing 1999 and a 2012  
11 standards that were approved that are fair measures  
12 for both men and women and the probies that enter  
13 each class?

15 COMMISSIONER NIGRO: Certainly the CPAT  
16 test I believe is, is a very fair test for  
17 candidates entering fire departments around the  
18 country. I am very curious, I, we're talking a lot  
19 about the results of the study that we don't have  
20 yet.

21 COUNCIL MEMBER VALLONE: Right.

22 COMMISSIONER: So I, I don't know how I  
23 can... I'd like to see as I said in my testimony I  
24 cannot wait to see that, what PSI came up with. I  
25 do not know what the, what it will be and at that

1 point I think we can either say we agree with it...  
2 critical of it. Prior to that I don't think so. But  
3 I, I certainly know what you're saying and I  
4 believe in the four classes that have come out of  
5 this list every single person that has graduated  
6 from our probationary firefighter school and  
7 entered the field is capable of doing the job of  
8 firefighter. And in the class that will go in in  
9 December 29<sup>th</sup> every person that comes out of that  
10 class will be equally capable and that's what the  
11 standard we will maintain. I believe we can have a  
12 very diverse department in both gender and, and a  
13 racially, and be an excellent fire department. We  
14 can do both. It's not exclusive. So we will  
15 maintain...

17 COUNCIL MEMBER VALLONE: So basically  
18 it's bringing them to the starting gate that's  
19 going to take some time. And once your vision and  
20 these process go through you're going to see a very  
21 diverse department.

22 COMMISSIONER NIGRO: It will take time  
23 and effort and I believe we will have results in  
24 which this fire department resembles the people it  
25 serves.

1  
2 COUNCIL MEMBER VALLONE: And, and I  
3 understand and I thank you Madam Chair... appointment  
4 of the concern when you see the staggering numbers  
5 but I always remain at the first point that it's  
6 the very best that comes through my door and I want  
7 to make sure that those tests are not changed to  
8 make sure that the, someone can't. So that's my  
9 point. Thank you very much.

10 COMMISSIONER NIGRO: Thank you.

11 CHAIRPERSON CROWLEY: Thank you Council  
12 Member Vallone. We're getting to the heart of it.  
13 This hearing is whether the tests are fair and have  
14 they changed over the course of the academy over  
15 the years. We're, we're beginning to see that they  
16 have changed. But we're going to hear from Council  
17 Member Rosenthal before we wrap up with the fire  
18 department.

19 CO-CHAIRPERSON ROSENTHAL: I'm just  
20 wondering. You said that the PSI made some  
21 recommendations in August and I'm wondering if any  
22 of those recommendations were taken into account  
23 for the most recent academy that just passed and if  
24 they will be taken into account in academy that's  
25 going to begin in two weeks.

1  
2                   COMMISSIONER NIGRO: Excuse me. Yeah I  
3 believe, in the first part of it there's a number  
4 of events in, in the FST and the recommendation  
5 were, was that a few of them were not in the  
6 correct order... [cross-talk]

7                   CO-CHAIRPERSON ROSENTHAL: I'm sorry can  
8 you speak into the mic. The door's open it's...

9                   COMMISSIONER NIGRO: Okay.

10                  CO-CHAIRPERSON ROSENTHAL: ...just hard to  
11 hear.

12                  COMMISSIONER NIGRO: There are a number  
13 of activities in the FSTs and the original, the  
14 recommendations from PSI...

15                  CO-CHAIRPERSON ROSENTHAL: In August.

16                  COMMISSIONER NIGRO: ...in August, were  
17 that all of them were proper but a few of them were  
18 not in the proper order therefore perhaps forcing  
19 the door should come before stretching the line.  
20 I'm just giving an example. So the order of a few  
21 of the activities that make up the FST were  
22 changed. Going forward when we get the  
23 recommendations in a, in a week or so we'll be able  
24 to take a look and see what other changes may have  
25 to take place.

1  
2 CO-CHAIRPERSON ROSENTHAL: You know I  
3 really understand your saying that you have not  
4 seen the results so you might not exactly know  
5 because you're not necessarily part of this  
6 contract but what you just said really doesn't sync  
7 with what the law department just said where she  
8 said that they had to issue a change order to ask  
9 PSI now to evaluate the changes that needed to  
10 happen which primarily had to do... [cross-talk]

11 COMMISSIONER NIGRO: No.

12 CO-CHAIRPERSON ROSENTHAL: ...with  
13 determining a grading methodology.

14 COMMISSIONER NIGRO: Determine the  
15 scoring, not the, not the order of the testing but  
16 the scoring of the...

17 CO-CHAIRPERSON ROSENTHAL: Right.

18 COMMISSIONER NIGRO: ...activities. So  
19 they already evaluated the activities themselves...

20 CO-CHAIRPERSON ROSENTHAL: And validated  
21 them but not in the order that... [cross-talk]

22 COMMISSIONER NIGRO: Not in the order.

23 CO-CHAIRPERSON ROSENTHAL: Wow, that is  
24 a big finding. So for that reason because they  
25 validated the steps although not in the order... that

1 is why I'm going, I'm going to pause it and feel  
2 free to tell me I'm wrong that there was no change  
3 to the FST in the last academy and there will be,  
4 the change to the next FST might be changing the  
5 order? Or in the last one you changed the order...

7 COMMISSIONER NIGRO: We did change the  
8 order in... [cross-talk]

9 CO-CHAIRPERSON ROSENTHAL: Okay.

10 COMMISSIONER NIGRO: ...the last one.

11 CO-CHAIRPERSON ROSENTHAL: In the last  
12 one. And in this one you'll have the changed order  
13 but you won't necessarily have the new grading  
14 methodology?

15 COMMISSIONER NIGRO: Oh we will in the  
16 coming class yes.

17 CO-CHAIRPERSON ROSENTHAL: In the coming  
18 class you'll have the new grading methodology?

19 COMMISSIONER NIGRO: That's correct.

20 CO-CHAIRPERSON ROSENTHAL: Wow. I really  
21 appreciate you... [cross-talk]

22 COMMISSIONER NIGRO: But you know no  
23 one, no one did fail the FST in this past class.

24 CO-CHAIRPERSON ROSENTHAL: Right. Right  
25 and we, and what I'm hearing you say too is that

1  
2 you've got 60 women who have come out of DCAS of  
3 whom you're going to invite them to take... [cross-  
4 talk]

5 COMMISSIONER NIGRO: There are, yeah  
6 there are 60 eligible candidates...

7 CO-CHAIRPERSON ROSENTHAL: Eligible  
8 women.

9 COMMISSIONER NIGRO: ...that's, whose  
10 names will come to us in the next four classes.

11 CO-CHAIRPERSON ROSENTHAL: Right.

12 COMMISSIONER NIGRO: That's... that's  
13 correct.

14 CO-CHAIRPERSON ROSENTHAL: Okay thank  
15 you very much. I really... [cross-talk]

16 COMMISSIONER NIGRO: Thank you.

17 CO-CHAIRPERSON ROSENTHAL: ...appreciate  
18 it.

19 CHAIRPERSON CROWLEY: I want to thank  
20 the fire department for testifying today. We have  
21 a, a lot of unanswered questions. We're not going  
22 to ask any more questions. We're going to stay in  
23 touch on this issue. It's very important to this  
24 council and I know commissioner it is important to  
25 you. I've seen the change that your leadership has

1 brought and I know we could do better, we will do  
2 better. Because the fire department will be a  
3 better department with more women on the  
4 department. And again thank you for being here.  
5 We're going to continue this hearing but  
6 unfortunately we have to move next door because  
7 another hearing is to begin here at 1:00 p.m. We'll  
8 go next door and we have a list of people ready to  
9 testify from the public. So all our co-chairs and  
10 council members, counsel... And if we could just make  
11 sure somebody from the fire department stays behind  
12 to hear the testimony from the public.

14 [pause]

15 CHAIRPERSON CROWLEY: Okay we're now  
16 going to resume the Fire Criminal Justice,  
17 Contracts, and Women's Issues hearing. We have  
18 members from the public. The first panel we have  
19 includes Brenda Berkman of the United Women  
20 Firefighters, Sarinya Srisakul of the United Women  
21 Firefighters, and Elizabeth Holtzman with the  
22 United Women Firefighters. Is there anybody else  
23 with this group? No other United Women Firefighters  
24 that might want to testify? Sophie Medina? Okay, if  
25 she could come up as well. And in no particular

1 order but we'll hear testimony from each of you and  
2 then we'll have some questions.

3  
4 SARINYA SRISAKUL: Hello? Alright. Thank  
5 you Council Member Crowley for your leadership on  
6 this issue and for your support throughout our time  
7 working together. I also would like to thank  
8 Council Member Helen Rosenthal and Laurie Cumbo for  
9 your support. And I would also like to thank the  
10 speaker of the city council for her support too. So  
11 I'm the president of the United Women Firefighters.  
12 I've been a firefighter for close to 10 years and  
13 I've been president of this organization for the  
14 past two years. I've been an active member my  
15 entire career in the fire department. So last year  
16 I testified on behalf of the United Women  
17 Firefighters and painted a picture of what goes on  
18 behind fire house doors for the women of this  
19 department. Then we had 38 women on a roster and  
20 large percentages of women flunking out of academy.  
21 We were at our wits end with the fire department  
22 and sought the council's help to ensure that women  
23 Firefighters were treated fairly. Although there  
24 has been some small change in the right direction  
25 in the past year it has been incremental and much

1 much more needs to be done. Currently there are 44  
2 women out of over 10,000 firefighters in the fire  
3 department which still amounts to less than half  
4 percent of the force. The US Department of Labor  
5 has determined that the national average for women  
6 Firefighters is four and a half percent. This means  
7 that the fire department needs to hire well over  
8 400 women just to meet the national average and New  
9 York City should be doing much better than that.  
10 There are no plans in the works to get the number  
11 of women up to the national average. In 1982 the  
12 first group of women that were hired numbered 41.  
13 Here we are 32 years later and we're almost at the  
14 same point. In fact the fire department has  
15 continually had the worst gender disparity out of  
16 all major cities. San Francisco has 15 percent in  
17 its fire department, Miami 12 percent, Seattle  
18 eight percent. It is shameful that over the 32  
19 years women have been Firefighters in New York City  
20 that the numbers of women remain so low. The  
21 numbers tell the whole story because they don't  
22 happen by accident. The pool of women ready,  
23 willing, and able to be firefighters has increased  
24 over the years. There are more women in the  
25

1 military and more high quality physical training  
2 programs for women in high schools and colleges  
3 than before. So even though the pool of qualified  
4 applicants has increased the FDNY has basically not  
5 budgeted. As Mark Bendix [sp?], the researcher who  
6 conducted the most comprehensive study of women  
7 Firefighters in the US testified last year; certain  
8 tactics have been used against women over and over  
9 again in other fire department around the country  
10 and by the FDNY to alienate, create unfavorable  
11 conditions for, and discourage or wash out women  
12 from joining the force. Firehouse culture, not to  
13 mention explicit instructions from supervisors  
14 strongly discourage women from filing EEO  
15 complaints. Many firehouses lack proper bathrooms  
16 and changing facilities for women and they are  
17 unnecessary and unvalidated physical tests that  
18 have harmed women that are in use in the academy  
19 today. After one year of repeated complaints to  
20 various high level city officials little has  
21 changed. Although the administration has changed  
22 the facts on the ground remain the same. Last year  
23 I spoke about the negative effects of one of these  
24 illegal barriers that is used in fire academy which  
25

1 is an obstacle course called functional skills  
2 training. The obstacle course was originally used  
3 as a training tool but as the FDNY face increasing  
4 racial and gender diversity it has been turned into  
5 a timed and graded exam. For example in my time  
6 when I was in fire academy it was used solely as a  
7 training tool and none of us were timed or graded  
8 on it and it has been in the case since 2008 it's  
9 been the practice for the fire department to grade  
10 and time this exam. When the fire department began  
11 to time and grade the FST continual change... the,  
12 the time to pass continually changed. In 2012 the  
13 FDNY began and is still using a passing time that  
14 is an average time of past classes ensuring for no  
15 valid reason that a substantial percentage of their  
16 probationary firefighters will fail. These passing  
17 times adversely affect women. The further, the  
18 fervor for forcing the probationers to pass FST is  
19 so high that it is routine for the probationers who  
20 have slow times to be pulled out of their classes  
21 that teach basic firefighting skills in order to do  
22 more FST. The probationers with slow times are also  
23 forced to FST training on the weekend. Also the  
24 majority of the women probationers were prevented  
25

1 from going to their week of field training with  
2 their peers so that they could do FST every day  
3 instead. FST is so physically stressful that the  
4 academy cautions against doing the course more than  
5 once a day. The result of forcing the women  
6 probationers to do so much FST is that we have  
7 women who have suffered major injuries and others  
8 who have refused to report their injuries out of  
9 fear of not being able to graduate. In all the  
10 FDNY's handling of FST humiliates women and  
11 deprives them of real training leaving them less  
12 prepared for the actual task of firefighting. We've  
13 asked for the test to be dropped and used again as  
14 a training tool as it was before 2008. While in  
15 response to our request the requirement for passing  
16 the test as a condition of graduation for the  
17 academy has been dropped, in practice the FDNY  
18 still treats the FST as something that must be  
19 passed. So although the top brass and, of the fire  
20 department has, and the commissioner had testified  
21 that the conditions of passing for graduation has  
22 been dropped in practice the instructors there  
23 still adhere to these arbitrary times for the, the  
24 probationary firefighters to pass. Rather than  
25

1 create a valid test from scratch FST was developed  
2 by a firefighter without any credentials in  
3 developing tests or drop the test entirely and use  
4 it simply as a training tool a consultant PSI was  
5 hired to validate the existing FST. The validation  
6 process is highly questionable. We were told that  
7 within two weeks of being hired the consultant said  
8 that no events in the test would have to change.  
9 How could the consultant possibly know the outcome  
10 of the validation process which still hasn't been  
11 completed within two weeks of starting. The test  
12 uses only first year incumbents, actually  
13 firefighters who had graduated from the last class  
14 which amounted to three months of being in the  
15 field. So the sample is skewed and it cannot test  
16 job performance the course of a firefighter's  
17 career in the FDNY. The consultant is apparently  
18 determining criticality and time for test by  
19 surveys that ask firefighters to guess how often  
20 and how long and how important tasks, it takes a  
21 complete task on the job instead of actually timing  
22 and evaluating the test in the field. The use of  
23 FST has been ongoing, additionally has been ongoing  
24 throughout this validation process. We recommend  
25

1 that the FST be dropped as a test and unless and  
2 until properly validated FST as an exam is not  
3 necessary since it duplicates testing of air  
4 management and other skills that occurred at  
5 academy. Nationwide other fire departments have  
6 abandoned the use of rank, order, speed to  
7 completion tests that are administered just like  
8 the FST. Additionally the entry and exit runs for  
9 the fire academy are not job validated. The  
10 requirement is to run a mile and a half in 13  
11 minutes to get into fire academy. And I urge you to  
12 look into the data for how many women were unable  
13 to complete the entry run because that was not  
14 spoken about during the fire department's testimony  
15 rather than the 12 minute, minutes to graduate. No  
16 firefighter runs a mile and half on the job and as  
17 you heard from the last testimony from Doctor  
18 Prezant it is not job validated. It is not  
19 reflective of our duties of firefighters. When we  
20 met with the corporation council one of the lawyers  
21 for the city admitted that the exit run had no  
22 rational and, as well. Since the exit run is in  
23 place as well as the entry run. Still the exit run  
24 is in place as well as the entry run, in fact the  
25

1 entry run happen when we started the press  
2 conference this morning. By way of comparison to  
3 graduate NYPD academy an individual needs to  
4 complete a run in 14 minutes and 21 seconds. This  
5 longer time is particularly significant because  
6 police officers actually do have to run after  
7 escaping criminals whereas firefighters rarely run  
8 while fighting fires. We recommend that both the  
9 entry and graduation runs be dropped unless and  
10 until job validated. There are many other issues  
11 that need to be addressed aside from the extraneous  
12 and illegal barriers that are in place in fire  
13 academy. We maintain as an organization if it  
14 wasn't the runs, if it wasn't FST it would be  
15 something else. And that is a lot that we have to  
16 discuss where, where the data, if the 32 women who  
17 graduated passed CPAT why did only 16 graduate from  
18 fire academy? So a few things that need to be  
19 addressed in addition to looking at fire academy  
20 are the assignments of a, at a fire academy and the  
21 history of women Firefighters in New York City only  
22 one has been assigned to the truck directly from  
23 academy and that was from prodding from our  
24 organization. And also there are so few women  
25

1 Firefighters out there in New York but all, are all  
2 very isolated because none of us are assigned  
3 together to work in a single fire house. Bathrooms  
4 even though the fire department is on track to  
5 completing women bathrooms in fire houses the ones  
6 that don't have real consequences on our lives. So  
7 I have women who have graduated from fire academy  
8 who are unable to go to really great fire houses  
9 because of their lack of female facilities and  
10 changing areas including a really, in Times Square  
11 which is one of the fire houses where you want a  
12 woman for recruitment purposes, for visibility, and  
13 there is not a women's facility there. And I  
14 actually was relocated there not too long ago and I  
15 had to use the bathroom and there is always an  
16 apparatus for a bathroom but because it's a very  
17 busy fire house it was being used and there were  
18 guests in the apparatus floor and thank goodness  
19 that everyone was downstairs because I was able to  
20 sneak up and use the chief's bathroom upstairs  
21 while there's a lot of commotion in the fire house.  
22 It's unacceptable that I have nearly 10 years on  
23 the job and have to worry about where I have to go  
24 to the bathroom in another fire house that I'm not  
25

1 assigned to. So we also are requesting a special  
2 monitor or inspector general for discrimination  
3 against women in the fire department. While we are  
4 pleased that a diversity commissioner has been  
5 appointed to the FDNY and a lot of strides have  
6 been made as a result of the Vulcan lawsuit we feel  
7 that our issues haven't been specifically addressed  
8 because we didn't have a lawsuit and because you  
9 know we, we just need a singular person who is in  
10 charge of looking at our issues. Excuse me. We,  
11 this person needs to be tasked with getting the  
12 FDNY to address the issues we have raised plus  
13 developing and implementing a plan to increase the  
14 number of women in the FDNY dramatically and ending  
15 the hostile work environment that... pardon... that  
16 women Firefighters face. The special monitor  
17 inspector general should report bi-monthly to the  
18 city council as well as the mayor. We need the  
19 statistics. I strongly urge the council to require  
20 the FDNY to provide statistics on how its testing  
21 is affecting women and support the legislation on  
22 the subject. Because a lot of unanswered questions  
23 are lingering and we would like to know. We  
24 encourage the investigation and addressing the  
25

1 reasons behind the drop off in numbers of women  
2 applying and ideas for addressing this. Every step  
3 of the way there has been a significant drop off  
4 rate for women candidates that outweighs the rate  
5 for men. And this has been the case historically  
6 for women. And you know if other fire departments  
7 and the NYPD and other agencies can do it we can do  
8 it too. Over the past year it is fair to say that  
9 the fire department has made little progress on  
10 changing its record on recruiting, hiring,  
11 training, assigning, and treating women. The FDNY  
12 needs to develop a five year plan for increasing  
13 the number of woman Firefighters. Serious prodding  
14 from the city council may be one of the few ways of  
15 producing the change that we need. Thank you very  
16 much.

17  
18 BRENDA BERKMAN: Oh yeah good afternoon.  
19 I appreciate how late it's been. No affirming in  
20 here?

21 [background comments]

22 BRENDA BERKMAN: I got ya, I got ya. Oh  
23 thank you I affirm. I swear I will tell the truth  
24 as I have been for over 30 years. I would just ask  
25 also that maybe we could, I realize we're pressed

1 for time could we have one moment of silence for  
2 the Philadelphia 11-year veteran firefighter Joyce  
3 Craig Lewis who was killed yesterday fighting a  
4 house fire in Philadelphia?  
5

6 [pause]

7 BRENDA BERKMAN: Thank you. My name is  
8 Brenda Berkman. I was the sole named class  
9 plaintiff in the federal sex discrimination lawsuit  
10 that in 1982 resulted in the hiring of FDNY's first  
11 41 women including myself. I'm the founder and  
12 former president of the United Women Firefighters  
13 Association. In 2006 I retired from the FDNY at the  
14 rank of Captain after 25 years of service and I  
15 currently serve as a retiree representative on the  
16 UWF Executive Board. I'd like to thank all of you  
17 for staying to listen to our testimony. And I'd  
18 also like to especially thank the council staff who  
19 made this hearing possible along with the council  
20 members. A year ago I testified about the parallels  
21 between the terrible sex discrimination that  
22 occurred in the FDNY in 1982 and the sex  
23 discrimination which continues in the FDNY today.  
24 But today I'm here to present statements from a  
25 couple of the newest women firefighters who would

1 like you to hear about their experiences in the  
2 fire academy, experiences that no trainee should  
3 have to go through. Why am I doing this testimony  
4 rather than these young women? They're not  
5 testifying themselves because they know all too  
6 well the retaliation they will experience in the  
7 firehouse for speaking truth to power. I understand  
8 their fears because for the more than 35 years that  
9 I've been involved with the FDNY I and other  
10 firefighters who have spoken out about  
11 discrimination have suffered, suffered serious  
12 retaliation, everything from death threats to  
13 tampering with protective gear to being kicked out  
14 of the firehouse meal. Current women who have  
15 objected to their treatment at the academy have  
16 been made the subject of repeated derogatory and  
17 unto, untrue stories in the media that were, went  
18 viral and were threatened with, with people making  
19 phone calls to their fire companies accusing them  
20 of incompetence. So that's why I'm reading these  
21 young women's stories. One young women submitted  
22 her observations about her experience at the FDNY  
23 training academy and with the FST in the form of  
24 bullet points so I'll just go through these. Number  
25

1 one, you can't wear your own watch or even see a  
2 big stop watch to be able to pace yourself while  
3 being timed performing FST. Number two, women are  
4 set aside early in the beginning of the academy and  
5 warned that, that they need remedial for the FST or  
6 they won't be able to go on their one week  
7 firehouse detail which is a very important event  
8 and probie, in probationary firefighter school. Men  
9 don't get told to go to remedial until the third  
10 week. Number three, the FST validation study was  
11 timed, coordinated, and recorded by the fitness  
12 personnel at the fire academy. And I think Council  
13 Member Rosenthal if I may add my own editorial  
14 comment here, made an excellent point about the fox  
15 guarding the hen house in terms of the validation  
16 study. The Hands-off approach of PSI, and we could  
17 spend hours talking about the validation study, but  
18 the hands-off approach of PSI is taken with this  
19 job validation study from this, from what we have  
20 heard of peoples' direct contact with, with the  
21 study is unprofessional. Number four, this young  
22 woman says, mainly if FST is so important to  
23 firefighting it should be given to every member in  
24 the department and not just in probious school.  
25

1  
2 Number five, the FST validation study was only  
3 conducted using probies. This test should have been  
4 conducted using all members of different genders  
5 and ages. Now I want I read this very poignant  
6 account from another young woman trainee, another  
7 young woman firefighter. My experience at probie  
8 school has completely changed how I view the fire  
9 department. I knew that becoming a firefighter  
10 wasn't going to be easy but nothing prepared me for  
11 what I endured at quote "Hell Rock" close quote. I  
12 was very excited when I had passed all the  
13 requirement to begin training at probie school. I  
14 felt really good about myself. My confidence and  
15 self-esteem were really high but that changed very  
16 quickly. From the very first day of probie school  
17 there was an official casting that went on  
18 separating the probies. Staff at the academy  
19 determined which probies belonged there and those  
20 who didn't. Unfortunately for me I was cast as one  
21 that didn't belong and with that verdict my fate at  
22 probie school had already been sealed. I was  
23 convicted and sentenced before I even started. From  
24 day one the program that was put into play for me  
25 was how quickly they could get me out. At first I

1 thought it was my imagination but then the unfair  
2 treatment was undeniable. I had been punished for  
3 things that when done by others weren't considered  
4 punishable offences such as my struggle with FST.  
5 Although I improved greatly in my time they still  
6 looked at, at me as a failure. The time I spent on  
7 the rock has been one of the worst in my life. I  
8 had never been treated or mistreated like that.  
9 Having people constantly call me names like quote  
10 "trash or pathetic" close quote was not something I  
11 was used to. I was putting every imaginable effort  
12 into improving but the harder I tried the more they  
13 punished me. I was overworked and my body didn't  
14 have time to recuperate. The constant attack on me  
15 was so obvious that some instructors intervened. My  
16 body was so brutalized from the excessive training  
17 that towards the end of the academy I was ill. My  
18 body and my mind were barely functional. I was like  
19 a ghost just floating from class to class. I was  
20 broken in every sense of the word; spiritually,  
21 physically, and mentally. At the start of every day  
22 I would say to myself please god don't let me die  
23 today and at the end of each day I would say thank  
24 god they didn't get to finish me off today. I went  
25

1 into that academy a strong confident person but I  
2 left that place battered, wounded, and broken  
3 mentally, physically, and spiritually. And I don't  
4 know what I did to deserve to be treated like that.  
5 You know we have heard a lot from the fire  
6 commissioner and other people from the fire  
7 department talking about their plans for the  
8 future. And that's great news. And I look forward  
9 to hearing more details about these plans for the  
10 future. But if we don't treat the women that we  
11 have in the pipeline right now fairly and humanely  
12 in their training and in their procedures going out  
13 into the field then other women will be deterred.  
14 Women are not stupid. They read. They hear what  
15 goes on with respect to the current women in the  
16 New York City fire department and they are  
17 discouraged. And so if we truly want to have a  
18 successful recruitment and training program for  
19 women into the future we have to ensure that the,  
20 that the current women are treated fairly. Many of  
21 the points that were raised by the council members  
22 were you know brought forth from the fire  
23 department promises to do better. And we, we're,  
24 you know we are encouraged by that but we would ask  
25

1 that the fire department actually consult with the  
2 women. When they go, when they start listing the  
3 number of consultants that they are hiring to do  
4 various kinds of activities the PSI consultant, the  
5 consultant hired to do the EEO training for the  
6 fire department, the consultant hired to evaluate  
7 the academy, the consultant that has been hired to  
8 do the next recruitment drive, where is the input  
9 of the United Women Firefighters in all of this?  
10 This is what we are hearing in this hearing about  
11 these consultants. Based on our previous  
12 experiences we can help the fire department work  
13 with the consultants to understand what has worked  
14 in the past and not worked in the past. We have had  
15 so many disastrous experiences with consultants  
16 over the years where actually they've had a  
17 negative impact on the success of women in the fire  
18 department going forward. So we would, we would  
19 urge that the council closely monitor you know the,  
20 the use of these consultants, the hiring of these  
21 consultants to ensure that the voice of women  
22 firefighters is actually heard. Not that we just  
23 have meetings saying you know what are your ideas  
24 but in, in the actual questioning of people before  
25

1 they are hired as consultants. You're going to hear  
2 testimony from other firefighters today on how they  
3 feel about FST. But none of them, not even the  
4 women firefighters are experts in the development  
5 and validation of job related testing mechanisms.  
6 We're not, we're certainly not going to get into  
7 the weeds, so UWF is not going to get into the  
8 weeds about that in our testimony today. So even if  
9 the opinions of the, and feelings of these other  
10 firefighters are sincere about FST and the academy  
11 it's your responsibility to ensure that in fact the  
12 EEOC guidelines and the industrial psychologist  
13 guidelines are adhered to, not just you know we, we  
14 ticked off the boxes but the, that they actually  
15 ensured that it was a fair study to being with. And  
16 we have every indication that there were many  
17 points along the study that were not fair. We find  
18 it kind of incomprehensible that the city has  
19 assumed a defensive litigious posture towards the  
20 women firefighters and our concerns before the  
21 filing of any lawsuit. What is, what is to indicate  
22 to them that we are filing a lawsuit? We need you  
23 to ensure that the FDNY makes employment decisions  
24 based only on valid measurements, not based on some  
25

1 test that people like because they passed it  
2 themselves or they think it looks like  
3 firefighting. Just because a few women were able to  
4 pass FDNY requirements does not mean that systemic  
5 sexism does not exist in the FDNY. Thank you.

7 SOPHIE MEDINA: Good afternoon council  
8 members. My name is Sophie Medina. I'm a  
9 firefighter at Engine 9 in Chinatown. I'm reading  
10 this letter on, from the Vulcan Society who  
11 couldn't be here, John Coombs couldn't be here who  
12 is the president. Although I'm not a member of the  
13 Vulcan Society. Dear council members the Vulcan  
14 Society is in support of fair and equitable  
15 processes as it relates to recruitment, hiring, and  
16 training for all fire department employees. It is  
17 unfortunate that there is a necessity for hearings  
18 on such issues related to fair hiring and training  
19 practices which continue to plague the FDNY.

20 Members of the council I would have you know that  
21 training was one of the areas named in the recent  
22 Vulcan Society Lawsuit which was settled by Mayor  
23 de Blasio on March 18<sup>th</sup>, 2014. So to that end we  
24 must now explore other avenues and suggested  
25 approaches to FST, the mile and half run, and any

1 other areas which has proven to negatively impact  
2 trainees. We are at a crossroad in the department  
3 and it would be a legal liability to allow the FDNY  
4 to continue to have any component, component of the  
5 candidate training which has a negative impact on  
6 specific or concentrated segments of the  
7 population. Let us also keep in mind that we are  
8 talking about individuals who have passed the  
9 written exam, physical exam, physiological  
10 evaluation, and the candidate investigation, all of  
11 which are necessary and proven components which in  
12 fact suggest that these candidates are ready to be  
13 trained as firefighters. It is then the  
14 responsibility of the FDNY to train these  
15 candidates rather than find creative means to  
16 eliminate them from the training academy. The  
17 recent settlement stated that there is room for  
18 improvement and you are now being asked to ensure  
19 that improvement is instituted in the FDNY hiring  
20 practice and training process. Respectfully John  
21 Coombs, President Vulcan Society. I would also like  
22 to add after hearing everything that I've heard  
23 today that I don't understand why FST is still  
24 being used as a testing tool in the academy. It's  
25

1 beyond a gender issue. It's a safety issue. Jamel  
2 Sears, a father, a husband, and a navy veteran died  
3 while performing the tasks that make up FST in my  
4 class. Historically the FDNY has been based, has  
5 been an organization who makes changes based on the  
6 lives lost on the job. Firefighters often say that  
7 our training books are written in blood because  
8 these are usually changes made in the way we  
9 operate as a result of a loss of life. Jamel Sears  
10 died while performing a test that is not reflective  
11 of the way we operate at a job and nothing has  
12 changed. Within the fire service I've often heard  
13 that firefighters prove themselves on the fire  
14 ground and he never got to do that. Thank you. And  
15 our Counsel Elizabeth Holtzman would like to say a  
16 few words.

18 ELIZABETH HOLTZMAN: Thank you very much  
19 members of the council for inviting me here and for  
20 allowing United Women Firefighters to make a  
21 presentation. I can't thank you enough from the  
22 bottom of my heart Council Member Crowley, Council  
23 Member Rosenthal, Council Member Laurie Cumbo, and  
24 also Ben Kallos and the other members of the city  
25 council. But particularly you who are here today

1  
2 for your leadership. A year ago Council Member  
3 Crowley held a hearing. At that point it became  
4 known that the fire department did not have  
5 bathrooms for women in all the firehouses. Why do  
6 you think that was the case? Because women didn't  
7 count. They were invisible. There was a title of a  
8 book by Ralph Ellison called The Invisible Man.  
9 This was the invisible woman. Not only were women  
10 invisible but they never expected to have more  
11 women so why did they need bathrooms? It's, it's  
12 one of the most telling things that you could, you  
13 could think of. Well thanks to the hearing that was  
14 held last year by Council Member Crowley the fire  
15 department made a commitment to build more  
16 bathrooms. We now have them. I would guess, I, I  
17 mean I, construction is way beyond my capacity not  
18 to mention running the one and half minute mile in  
19 13 minutes but construction is way up there with  
20 things I can't do. But maybe this could be speeded  
21 up so that we could have women in Times Square. And  
22 I'm just available to answer any questions you may  
23 have. I just remember when I was controller in 1993  
24 issues of discrimination against women in the fire  
25 department were brought to my attention I was

1 astonished and I was even more astonished in 2013  
2 to find that those problems had not been corrected.  
3 I'm glad to hear the commissioner has plans for  
4 change but I just question what change means when  
5 you come right down to it FST is still there, the  
6 run to enter is still there, the run to exit is  
7 still there. What does change mean? And it's not  
8 sufficient answer to say oh well even if we made  
9 this small change it would only mean a small number  
10 of women and we won't get to the national average.  
11 We'll never get to the national average unless we  
12 make really strenuous strides. And I appreciate the  
13 opportunity to be here. Thank you.

15 CHAIRPERSON CROWLEY: Thank you to all  
16 our UWF women for testifying. I have a few  
17 questions and then I'm going to recognize Council  
18 Member Rosenthal for questions. Sarinya I believe  
19 you testified but also I heard it from other  
20 firefighters about the academy, people getting ill,  
21 broken bones, fractures, despite this still  
22 continuing the rigors of FST to a point where you  
23 even had a probie die doing these trainings. Look I  
24 understand that becoming a firefighter and being a  
25 firefighter is a very difficult aerobically strain,

1 straining line of work. But when you're training in  
2 the academy you should be allowed to get hurt and  
3 then say look whoa I'm learning this skill, you  
4 know I've never used these muscles before, I've  
5 never done this exercise, is it okay to be hurt?

7 SARINYA SRISAKUL: Absolutely not. It's  
8 not okay to be hurt period. You know a lot of the  
9 issue here with the way FST is conducted is the  
10 probationary firefighters aren't learnt, they, they  
11 aren't taught how to do the specific task and the  
12 obstacle course before they actually do it  
13 properly. So the classes that they have, they, and  
14 they're hands on for the other you know and the  
15 specific events of, weren't conducted before they  
16 do the actual obstacle course. So you know they're  
17 in a rush to do it too. And that's what creates a  
18 injury. It's the you know like I said the academy  
19 only recommends that you do it once a day but in  
20 the you know fervor to get these people to get the,  
21 this arbitrary time I want to say because the data  
22 that was used to get this time, the minimum passing  
23 time was the medium time of passed classes. So it's  
24 such a arbitrary time why this group of events, why  
25 done in this order, why this time... I mean the

1 median time just in and of itself so arbitrary but  
2 in and of itself just proves that they're, we're  
3 looking to flunk people out from FST. And  
4 additionally the timing is an objective because if  
5 you listen to the testimony that we had from one of  
6 the probationary firefighters a lot of the probies  
7 complain to us that you know they're not allowed to  
8 carry wrist watches, there's no public clock to see  
9 you know where their time, where, what their time  
10 is to see you know if they can like pace themselves  
11 or you know how well that they're doing they just  
12 have to constantly rely... I had one of my women tell  
13 me that she was doing her course and the instructor  
14 forgot to start the stopwatch and so she asked well  
15 what was time and he just guessed. You know for  
16 something that's so important like wouldn't they,  
17 you know if it's just like a, you know if they have  
18 to use this to graduate wouldn't it be prudent to  
19 have something where you, you can dispute the time,  
20 the time is just there for you to look at.

22 CHAIRPERSON CROWLEY: When you were in  
23 the academy how many people dropped out? What was  
24 the percentage of drop outs? Like earlier we heard  
25 testimony from the commissioner, looked at the past

1  
2 four classes, one class had 25 percent of the class  
3 that dropped out, couldn't graduate.

4 SARINYA SRISAKUL: Every fire academy  
5 class has a drop off rate. I don't know throughout  
6 time what that is. It is far less than 25 percent,  
7 I want to say less than 10 for 300 but I really, I  
8 really don't know.

9 CHAIRPERSON CROWLEY: And in looking at  
10 the academy today you would say in comparison to  
11 the academy that you participated in that it's more  
12 difficult.

13 SARINYA SRISAKUL: Yeah I mean I think  
14 where it comes to play is there really seems to be  
15 this attitude of trying to flunk people out. And  
16 even as an advocate we had one woman who flunked  
17 out midway through her academy class because of her  
18 academic grades. In my time you had till the end of  
19 fire academy to pull up your grade to 75 percent  
20 which is a passing rate. And she didn't she wasn't  
21 afforded that opportunity. So it seemed like the  
22 first, especially the first two classes in 2013  
23 that you know people were constantly.. You know you  
24 get tested even on your classes that you just go to  
25 learn. So if you just learn something like knots

101, ropes 101, knot tying you're graded on that,  
you're performance on learning.

CHAIRPERSON CROWLEY: And you learn, you  
were not graded on that?

SARINYA SRISAKUL: Yeah I think now it's  
more formulaic than it was before but from what I  
know it is more of a constant constant evaluation  
and judging and it's not really focusing on like  
learning. You know because like a lot of... Listen if  
a lot, lot of women, a lot of people of color we  
don't have family on the job and so this is the  
first time we're seeing this equipment and we're  
going to have a learning curve and you know you  
have a lot of guys on the job who have, who had  
family members who grew up in the firehouse, who  
are volunteer firefighters in Long Island. And they  
have that experience and they're going to by  
comparison just do a lot better initially. So you  
know in, in terms of fairness I don't think it's  
fair if you're like doing a 101 class to be  
constantly judged and graded on your you know slow  
learning. I mean I really do want to emphasize that  
we would like the scope of academy to look more  
like a training than you know trying to like weed

1 people out. They're constantly trying to lead  
2 people out.  
3

4           BRENDA BERKMAN: As a company officer I  
5 wanted to see a new firefighter come into my  
6 firehouse well trained. And I, I think that the  
7 fire academy, especially after the start of the use  
8 of CPAT and after the Vulcan Lawsuit that there  
9 were people in the academy and elsewhere in the  
10 department that decided that they did not like  
11 those decisions and they were going to try in other  
12 ways to get rid of candidates who reflected a, what  
13 they viewed as people that don't belong okay,  
14 namely women and people of color. So they started  
15 with all of these testing procedures and extra you  
16 know attention to those groups. And those groups  
17 were put in a fishbowl and you all know as people  
18 who have taken the bar exam and other kinds of, and  
19 other kinds of very stressful activities that, that  
20 when you're in the fishbowl you do not perform at  
21 your best. So what are they doing at the academy to  
22 allow people, adult learners to learn things in a,  
23 at least start learning things in a relatively  
24 stress free environment before they start getting  
25 tested. People have to demonstrate their

1 capabilities, there's no question about that. The  
2 United Women Firefighters doesn't want untrained  
3 people going into the field any more than any other  
4 group in the fire department. But we understand  
5 that the environment that's been created in the, in  
6 the fire department for training testing,  
7 assignments, all of that has worked against the  
8 very groups that they claim are, that they're  
9 anxious to bring on and welcome into the job. It's,  
10 you know the, the actions that they're taken that  
11 they have not ended even when we brought these  
12 negative consequences to their attention. Stuff  
13 still just goes rolling right along. And you know  
14 look at the FST itself how it evolved in, from an  
15 exercise and learning how to do air management  
16 which is important, you have to be able to..

18 CHAIRPERSON CROWLEY: Captain Berkman...

19 BRENDA BERKMAN: ...air tank.

20 CHAIRPERSON CROWLEY: ...can you, can you  
21 just for the benefit of the committee elaborate  
22 more on the earlier statement in comparison to the  
23 experience you had back in 1982 and how the  
24 department put obstacles in the way and how it  
25 compares today? Sarinya mentioned something you

1 know about the median time and how... [cross-talk] I  
2 believe it was in your lawsuit.

3  
4 BRENDA BERKMAN: Yeah very briefly..

5 CHAIRPERSON CROWLEY: Yeah.

6 BRENDA BERKMAN: ...you know there was a  
7 lot of resistance to women coming on the job by  
8 reason of our coming on as, in response to a court  
9 decision. So when we went into the fire academy you  
10 know our abilities were immediately questioned. The  
11 standards have been lowered, we took easier tests.  
12 Even though the test that we took was based on  
13 incumbent firefighters performing that test you  
14 know our abilities were still questioned. All of a  
15 sudden all the standards in the, and tests and  
16 activities in the fire academy became way harder.  
17 And it was a constantly shifting standard. I don't  
18 know who raised the question in the, in the earlier  
19 testimony but you know it was a moving target. I  
20 was meeting with the head of the fire academy day  
21 after day and every time I met with him the  
22 standard for graduation had changed. And this is so  
23 reminiscent of that. With each of the four classes,  
24 none of this is written own in the DCAS notice of  
25 exam. You know in order to become a firefighter

1 you're going to have to do this stuff. It's, it's  
2 a, it was a constantly shifting target that these  
3 candidates, these trainees had to, to meet. And  
4 that was so ruminant of what happened to us in 1982  
5 when you know, when, when firefighters and officers  
6 took it on themselves to resist women coming on the  
7 job.  
8

9 CHAIRPERSON CROWLEY: Thank you. Council  
10 Member Rosenthal.

11 CO-CHAIRPERSON ROSENTHAL: ...so much.  
12 Thank you Council Member Crowley for continuing  
13 this hearing in here and thank you so much for your  
14 testimony and for your hard work and bravery. It's  
15 extremely powerful. I guess I, I wanted to ask a  
16 couple of questions. I guess first of all just to  
17 keep it really simple if we were to, if the fire  
18 department were to decide to keep the mile and a  
19 half run, keep the FST as it's newly going to be I  
20 guess organized, changed order, and then the mile  
21 half run at the end but keep it as a training tool  
22 and not have a testing component would that be a  
23 satisfactory outcome in your mind?

24 SARINYA SRISAKUL: Yes but there is a  
25 disconnect between what is decided on at

1 headquarters and what is practiced in academy. And,  
2 for example with the standard of the, the minimum  
3 time for graduation being lifted that wasn't the  
4 practice. So you know I do want to emphasize that  
5 we do need a third party monitor to ensure that  
6 there's no other discriminatory practices are in  
7 place because if it's not that it might be  
8 something else, it might be something else... [cross-  
9 talk]  
10

11 CO-CHAIRPERSON ROSENTHAL: Something new  
12 will pop up.

13 SARINYA SRISAKUL: Right. Because FST  
14 has been around for a long time and it's just  
15 within the past few years that's been timed and  
16 graded and recently that it's been a condition to  
17 graduate. So you know... [cross-talk]

18 CO-CHAIRPERSON ROSENTHAL: When did it  
19 turn in... [cross-talk]

20 SARINYA SRISAKUL: ...something else might  
21 pop up that would be a condition to graduate or  
22 something like that. That we would be worried  
23 about.

1  
2 SARINYA SRISAKUL: Because the  
3 commissioner testified that something similar to  
4 FST is going to be, remain in place..

5 CO-CHAIRPERSON ROSENTHAL: Right.

6 SARINYA SRISAKUL: You know what, what  
7 do the people of the city of New York really want  
8 and need? They want trainees who have the, the  
9 greatest amount of time possible to practice the  
10 actual skills as performed on the fire ground, not  
11 to be world class, not even world, not to be you  
12 know runners that can get under 12 minutes, not to  
13 be able to zip through the FST without having a  
14 drop of sweat, no they want people who can tie a  
15 knot, stretch a hose, raise a ladder, do this,  
16 every moment that's taken away.. and I understand  
17 there's need for physical conditioning but every  
18 moment that's taken away to practices this obstacle  
19 course which doesn't even reflect the way that we  
20 do these activities or the way, or the pace at  
21 which we do these activities on the job.. that's all  
22 taken away from real training, real training.

23 CO-CHAIRPERSON ROSENTHAL: And may I ask  
24 since we have learned we can talk about the PSI  
25 contract just a little bit there was a survey that

1 was done internally... do you know if any of the 200,  
2 how many of the 200 people who were surveyed if any  
3 of them, were women? And do you know how many?  
4

5 SARINYA SRISAKUL: Yeah, yeah there were  
6 a few women that were included in the survey. And  
7 my members... [cross-talk]

8 CO-CHAIRPERSON ROSENTHAL: Do you think  
9 it was fewer than 10?

10 SARINYA SRISAKUL: ...do.

11 CO-CHAIRPERSON ROSENTHAL: More than 10?

12 SARINYA SRISAKUL: I can't testify with  
13 a number.

14 CO-CHAIRPERSON ROSENTHAL: Okay.

15 SARINYA SRISAKUL: But it was a good  
16 number of us. We do take issue with how their  
17 survey was conducted. Just when I took the survey.  
18 So it wasn't blatant that it was an FST survey but  
19 the chief of the fire academy came up to our  
20 testing room and told us so. So that's one issue.

21 CO-CHAIRPERSON ROSENTHAL: Just the  
22 women or everyone, everyone?

23 SARINYA SRISAKUL: No no no we're in  
24 group for the week we all were in different days  
25 doing the same survey. The survey asked us the

1 importance of each task, how often we did each task  
2 in the past three years and how important we  
3 thought each task was. Want to emphasize that under  
4 you know duress, fire conditions you know it's  
5 really hard to guess how, how long it takes to do  
6 each task, especially if it's isolated. You know  
7 just one task as opposed to a succession of tasks  
8 like we normally do in firefighting. You know and  
9 just as an aside one of my members you know did her  
10 survey and you know she was very thoughtful in her  
11 survey and she completed it and she handed it in  
12 and she apologized and she was like I'm sorry it  
13 took me so long because she was the last one in the  
14 class. ...I'm so sorry it like it took me so long,  
15 you had to wait for me. Oh that's okay you're  
16 actually taking it seriously. So you have other  
17 firefighters who just blew through, because it's a  
18 very extensive survey that... [cross-talk]

20 CO-CHAIRPERSON ROSENTHAL: Right.

21 SARINYA SRISAKUL: ...we took. And they  
22 just rather had free time so they just blew through  
23 all the questions and you know to the point that  
24 the monitor took notice and said don't worry about  
25 it you're actually taking it seriously.

1  
2           BRENDA BERKMAN: And actually you know  
3 you can, you can structure a survey in such a way  
4 as to facilitate people blowing through it. And I  
5 would ask you to take a close look at that survey  
6 because in my experience of looking at these kinds  
7 of job validation studies over the course of 30  
8 years I've seen how studies can be biased. All you  
9 have to do is lump all the tasks together that you  
10 can, you want people to find to be critical. And  
11 you lump all those together at the front of the  
12 survey and then you peter down the other task  
13 toward the back of the survey that you don't want  
14 them to find important or you don't want really to  
15 be, to, because it would undercut what you're  
16 attempting to prove right. So you look at that  
17 survey and you, you see that all the critical tasks  
18 are lumped together at the front zip zip zip zip  
19 okay. Now this firefighter gets to the next level.  
20 He goes on these aren't very important at all dump,  
21 you know take those down they're not important. So  
22 you know he can, he can figure out from the way the  
23 survey is constructed exactly how he's... [cross-  
24 talk]

25           CO-CHAIRPERSON ROSENTHAL: Right.

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BRENDA BERKMAN: ...supposed to answer.

CO-CHAIRPERSON ROSENTHAL: Right right  
right.

BRENDA BERCKMAN: And of course people  
can blow through that really quickly.

CO-CHAIRPERSON ROSENTHAL: Do you happen  
to know... please.

ELIZABETH HOLTZMAN: Before you finish,  
I think it's really important just to emphasize  
something that Sarinya said earlier which is that  
the physical test... I can't get this close enough,  
that the physical test was only given to people who  
were three months out of the academy, go back to  
the validation of the CPAT. They validated that  
using people at every stage of the process. So I  
mean it's something that you need to consider.

CO-CHAIRPERSON ROSENTHAL: That wasn't  
in the contract, wasn't specified in the contract  
that that would be the case.

[cross-talk]

SARINYA SRISAKUL: That's what happens.

BRENDA BERKMAN: You'd think they'd want  
to, if they're going to try and link it to..

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ELIZABETH HOLTZMEN: Right if this is job performance it can't be just job performance in the first three months of the job. Why would you pay some money to do, to validate a study that only tests how well you perform in the first three months of the job. It has to be how you perform throughout the job. And so if you look at the CPAT and how that was validated they used people to validate it who were at every stage of the, being a firefighter; first year, three months, 30 months... [cross-talk] three years, 10 years. So that's... [cross-talk]

SARINYA SRISAKUL: And it was a small sample of women additionally. I believe it's only six women were in that... [cross-talk] yeah were in that group...

ELIZABETH HOLTZMEN: ...in the FST.

CO-CHAIRPERSON ROSENTHAL: And were there any women who were SMEs?

SARINYA SRISAKUL: We don't know.

CO-CHAIRPERSON ROSENTHAL: Okay I mean you don't know of any... [cross-talk] women who have said to you I was one of the...

SARINYA SRISAKUL: No we don't know.

1  
2 CO-CHAIRPERSON ROSENTHAL: Okay. What,  
3 can you, do you, I, I want to talk about your, a  
4 point you raised about how the fire department  
5 assigns women in an isolated way, one to each  
6 firehouse. What would you recommend that they do?  
7 You know with 44 women today...

8 SARINYA SRISAKUL: Well I just to, as a  
9 point it took me five years to work with this woman  
10 once in my nearly 10 years on the job I worked with  
11 her twice and she's the only other woman I work  
12 with and we both flew chances to if we worked  
13 together. But yeah I think it, it would be if you  
14 look at the testimony from Mark Bendix [sp?] from  
15 last year the isolation of women does contribute to  
16 you know feelings of alienation and a lot of  
17 harassment. So we would recommend at least women be  
18 grouped together and closer together in the same  
19 battalion at least until we increase our numbers.  
20 But I know the department is making strides to  
21 accommodating the women bathrooms to accommodate  
22 more than one woman firefighter so that's also  
23 positive stuff.

24 CO-CHAIRPERSON ROSENTHAL: So if you  
25 were the commissioner and allocating your female

1 firefighters... that's, those aren't the right words,  
2 among the two...

4 SARINYA SRISAKUL: Women firefighters.

5 CO-CHAIRPERSON ROSENTHAL: ...hundred or  
6 so firehouses and there are 44 women would you  
7 recommend just, I'm going to, just to simplify  
8 things that there be two women in each of 20  
9 firehouses?

10 SARINYA SRISAKUL: Or in the area at  
11 least, in the battalion in the, of the grouping of  
12 firehouses. It would create more you know positive,  
13 positivity.

14 CO-CHAIRPERSON ROSENTHAL: And so with  
15 the 60 women who hypothetically..

16 SARINYA SRISAKUL: Yeah I take issue. I,  
17 I really don't think we'll get 60 but you know.

18 CO-CHAIRPERSON ROSENTHAL:  
19 Hypothetically if in the next two years we achieve  
20 our goal and 60 women come in you would recommend  
21 that as they're assigned they be doubled up with  
22 the 44 who are in there now?

23 SARINYA SRISAKUL: Doubled up or in the  
24 same area... Additionally we've like I testified  
25 before we, we never had a woman assigned directly

1 to the truck. A lot of truck and engines are  
2 stationed together so it could be like that too.

3  
4 CO-CHAIRPERSON ROSENTHAL: Thank you.  
5 Yeah, for now. Thank you so much.

6 CHAIRPERSON CROWLEY: Is there anything  
7 else you'd like to add?

8 [background comments]

9 SARINYA SRISAKUL: I just want to thank  
10 the members of the United Women Firefighters for  
11 showing up today and for their support. And can't  
12 do it without you guys, love you girls.

13 CO-CHAIRPERSON ROSENTHAL: Actually you  
14 know I would like to ask... So in your position as a  
15 leader how, how does that go for you in the FDNY in  
16 the day to day basis?

17 SARINYA SRISAKUL: Well, [laughs] that  
18 is a good question. There is a, a... [cross-talk]

19 BRENDA BERKMAN: ...most popular.

20 SARINYA SRISAKUL: Yeah, there is a  
21 group called Merit Matters in the fire department  
22 and it was formed to combat the Vulcan Society  
23 Lawsuit and they're generally against diversity and  
24 so they...

25 [background comments]

1  
2 SARINYA SRISAKUL: Yeah, they're called  
3 Merit Matters. They, they, their mission statement  
4 is that the fire department is a meritocracy and  
5 you know they have a lot of members in the fire  
6 department. Yes, Council Member Crowley is aware of  
7 that group I believe, no, yeah, of course. Yeah,  
8 it's new information for you. But yeah there's you  
9 know so they actively organize around what the  
10 Vulcan Society does, what the United Women  
11 Firefighters, what we do. They've held rallies at,  
12 during the Vulcan hearings and any like court,  
13 court appearances they've had. They've done direct  
14 actions against them. And you know we have women  
15 that are here today who are, who stand against what  
16 the United Women Firefighters do. So you know it is  
17 a divisive issue and it, it is too bad but I do  
18 have to say that what's right is right. And what's  
19 legal is legal. And what the fire department has  
20 been doing doesn't hold water in the court of law.  
21 And especially with all the things that we're  
22 talking about here you know a lot of murkiness  
23 around the, the validation study, the contract with  
24 PSI you know it's just, it's just not right. And so  
25 you know it is an unpopular position to take, to

1  
2 speak out against it. And I do have articles by the  
3 Merit Matters who, about me that are posted in  
4 firehouses. I am talked about a lot. I am a pariah  
5 but I cannot look myself in the mirror knowing that  
6 this is happening and live with myself so that's  
7 why I do what I do. And that testimony that Brenda  
8 read from that harm that was created in these  
9 individual women's' lives, that is why we're here  
10 today.

11 CO-CHAIRPERSON ROSENTHAL: Is Merit  
12 Matters a sanctioned group in the FDNY?

13 SARINYA SRISAKUL: I don't know. But  
14 they have a large membership. I don't know... [cross-  
15 talk] if they're sanctioned per... I, I don't think  
16 they are but they are, they are, they hold a lot of  
17 the court of public opinion in the fire department,  
18 FDNY. They have a large membership. We...

19 CO-CHAIRPERSON ROSENTHAL: How do you  
20 know somebody's a member?

21 SARINYA SRISAKUL: They wear the t-  
22 shirts. It used to be, they used to fax in every  
23 firehouse their articles that they have written and  
24 they used to disseminate it that way and they used  
25 to post it in firehouses. And recently, or in the

1

2

past couple years it's been, it's illegal to, we

3

can't do that anymore in firehouses. We can't do

4

postings. But it used to be the case where like

5

pretty much every firehouse had Merit Matters

6

postings... [cross-talk] anti-diversity like

7

articles.

8

CO-CHAIRPERSON ROSENTHAL: When did it

9

become illegal to post them?

10

SARINYA SRISAKUL: I don't know...

11

[background conversation]

12

SARINYA SRISAKUL: Sorry, sorry against

13

public policy...

14

CO-CHAIRPERSON ROSENTHAL: Frowned upon.

15

[background comments]

16

CO-CHAIRPERSON ROSENTHAL: I would the,

17

a copy of that order, yeah.

18

[background comments]

19

CO-CHAIRPERSON ROSENTHAL: Okay.

20

[background comments]

21

CO-CHAIRPERSON ROSENTHAL: Thank you

22

and... thank you. I appreciate that. Approximately

23

like January 2013 or...

24

[background comments]

25

CO-CHAIRPERSON ROSENTHAL: Okay.

[background comments]

CO-CHAIRPERSON ROSENTHAL: Oh I'm so sorry I, I won't ask any other questions I promise after... [cross-talk] Rafael I'm done. Thank you very much just... you'll send it, us a copy.

[background comments]

BRENDA BERKMAN: You know the United Women Firefighters is supportive of Merit but it has to be job related, you know fair, and it's unfair to characterize Serinya's leadership just as it was unfair to characterize my leadership as trying to lower standards or undercut the proud traditions of the fire department. The women firefighters are among the proudest serving members of the New York City Fire Department. We just would like the department to be truly fair not only towards us but to the, to the women that come after us in the future.

CHAIRPERSON CROWLEY: We want that too. Thank you for being here all of the women who just testified. Very courageous and true leaders. We're going to call up the Union Representation here we have from the Uniform Fire Officers Union Derek

1 Harkin and from Uniform Firefighters Association we  
2 have Jim Slevin.  
3

4 JIM SLEVIN: Good morning. My name is  
5 Jim Slevin. I'm the Vice President of UFA. I  
6 apologize for not having written testimony. I  
7 originally was not planning on testifying but I  
8 felt I needed to get up to here to say a few  
9 things. First let me start by saying UFA has long  
10 been in favor of diversity in department. We're in  
11 favor of more minorities, more females. But our  
12 position has always been we need to maintain the  
13 standards of the fire department. We believe that  
14 the CPAT test represents a minimum standard to get  
15 into the fire department and just because you make  
16 it into the academy doesn't mean you're entitled to  
17 get out into the field and become a firefighter.  
18 There has to be some measure of testing along the  
19 way. This is, it, it's not you know we teach it to  
20 you, you, you absorb it. This is not osmosis. You  
21 have to actually show your proficiency in the  
22 subject matter. And whether it's FST, I'm not here  
23 to say FST is good or bad, but there has to be some  
24 standard in place, some measure to show that a  
25 candidate possesses proficiency in the subject

1 matter of becoming a firefighter. Now New York City  
2 is different. We should have better standards than  
3 any other city in the country and I'll tell you  
4 why, because New York City has more vertical height  
5 than any other city. We have more population  
6 density than any other city. We have more complex  
7 fires. We have the most aggressive interior attack  
8 of any fire department in the country. There is  
9 nobody that can come close to us in, in our  
10 aggressive interior attacks. No fire department  
11 goes above the fire like the New York City Fire  
12 Department. We constantly put ourselves in a  
13 precarious position risking life for the people of  
14 New York City. And when you go above the fire  
15 that's the most dangerous position you can be in.  
16 And that doesn't happen around the country. That  
17 doesn't happen you know in, in other places. Other  
18 places you know they've had sprinklers mandated  
19 long before New York City had. New York City  
20 deserves to have the best firefighters and I'm  
21 speaking as the Vice President of Union for my  
22 membership and as a resident of New York City. We  
23 deserve the best. And there is a way to do that  
24 while also promoting diversity. We have long been  
25

1 involved in making recommendations on recruitment,  
2 the president of Union... Cassiola [sp?] has made  
3 recommendation in the past how we should recruit.  
4 We should target the military. We heard about how  
5 seven percent of the marines are female, we should  
6 target them because most of them will, probably not  
7 going to be lifers in the marines. They're going to  
8 be looking for a second career. And if they have  
9 proved their selves as a marine they can probably  
10 prove themselves as a firefighter. We should target  
11 the athletic departments of high schools because  
12 that's where you're going to find physically fit  
13 female firefighters, diverse firefighters. And the  
14 key to getting more women on the fire department is  
15 proper recruiting, getting them to take the test.  
16 Because every woman here has proven... they've passed  
17 the CPAT, they've passed the FST. It can be done.  
18 I'm, you know I'm the youngest of seven children  
19 and have six older sisters. Only one of them took  
20 the fire department test, she only took the written  
21 test, she never had any desire to become a  
22 firefighter so she never followed up and took the  
23 physical. But I have six older sisters, they're all  
24 very successful but none of them ever wanted to be  
25

1 a firefighter because at the end of the day  
2 firefighting is a dirty dangerous job. It's not for  
3 everybody. But there are people out there that are  
4 willing to do it and we can garget the right groups  
5 out there, like I said the athletic department, the  
6 military, and we can get more females in the fire  
7 department but we should not look to change any  
8 standards, lower standards just because you're  
9 saying some other city doesn't do it. We, we  
10 deserve the best in New York City and we can't  
11 change the standards to get there. Thank you.

13           DERRIK HAWKING: My name is Captain  
14 Derek Hawking appearing today for the Uniformed  
15 Fire Officers Association. Chairs and members of  
16 the City Council Fire and Criminal Justice, Women's  
17 Issues, and Contracts Committee thank you for this  
18 opportunity to testify here today. I'm here to  
19 testify today because there is concern that changes  
20 could result from this proceeding that would have a  
21 negative impact upon my membership. The New York  
22 City Fire Department has a long tradition of having  
23 only the best candidates graduate the academy. The  
24 academy has a slogan, let no members ghost come  
25 back and say my training let me down. The

1 Functional Skills Test, FST is used to measure the  
2 physical fitness of all candidates wishing to  
3 graduate the academy. The FST is a series of tasks  
4 that are deemed essential job tasks by the National  
5 Fire Protection Association. All tasks required to  
6 complete the FST are in the NFPA standard on  
7 comprehensive occupational medical program for fire  
8 departments. Probationary firefighters are also  
9 required to complete the mile and a half run to  
10 graduate the academy. The run has to be completed  
11 in less than 13 minutes. The technical reason  
12 behind the 13 minutes is the candidates aerobic  
13 capacity has to be at least 12 metabolic  
14 equivalents, also known as METS. METS is a  
15 simplified system for classifying physical  
16 activities. The physical fitness coordinator's  
17 manual for fire departments published by FEMA  
18 states that fitness level of 14 METS will meet job  
19 requirements, provide a margin of safety for, for  
20 the firefighter. The minimum level should be 12  
21 METS so we're working on the minimum level here.  
22 The UFOA knows that changing the standard on the  
23 FST or the mile and a half run will affect the  
24 quality of recruits graduating the academy. UFOA  
25

1  
2 considers this a safety issue. The UFA has long  
3 been an advocate of diversity in its ranks. We do  
4 not believe that FST is the reason for a lack of  
5 diversity in the fire department. We will support  
6 all efforts to increase females in... ranks but not  
7 at the price of safety.

8           CHAIRPERSON CROWLEY: Thank you to both  
9 union representatives for testifying today. The  
10 hearing focused a lot of time on examining FST  
11 which is very complicated, it's complicated for  
12 council members to understand. It's complicated for  
13 many participants to master. But the problem is not  
14 that we're looking at the need to a lower a  
15 standard, the problem is that the standard is  
16 fluctuating, is changing from one class to the  
17 next. We looked at the four classes and there were  
18 changes. We heard from female firefighters that  
19 said when they were in the academy it was a  
20 different standard. And it's just not fair to look  
21 at a more diverse class and make the standards much  
22 more difficult. I understand the need for more  
23 training, more extensive training, more good  
24 training, that we're a department unlike any other  
25 department, I get that. And it's important to train

1  
2 and to continue to train and not put a firefighter  
3 out there until they're ready to be a firefighter  
4 but then it gets to a point where you're changing  
5 your department academy around and there's too much  
6 focused on testing and it's too rigorous and people  
7 get hurt and it's not the realities of the way  
8 things happen on the job. And it wasn't in the  
9 tradition of the academy until the academy was  
10 forced to diversify. So that's what we're get,  
11 trying to get at the heart at today.

12           DERREK HAWKING: The, the thing is that  
13 the FST is not keeping females out of the fire  
14 department. If you look at, the numbers from what I  
15 believe is only one female has failed the FST and  
16 only the FST?

17           CHAIRPERSON CROWLEY: The, see the, the  
18 fire department gave a, data only today that we had  
19 asked for a number of weeks ago. The department  
20 knew about the hearing. We agreed to postpone the  
21 hearing for at least a week. They wanted us to  
22 postpone it till next year, we couldn't do that  
23 because we wanted to make sure we had this hearing  
24 before the next class started. Now the standards  
25 have changed from on class to the next but the

1 second class where you had 25 percent of the class  
2 drop out and I don't think that you've ever had in  
3 the history of the fire department that many people  
4 drop out of a firefighting class. The standard of  
5 FST was held to a median of the amount of people  
6 taking the test. So that had never, had been  
7 happening before. And if we didn't have these  
8 hearings we wouldn't have been able to figure that  
9 out. And the moment the new administration got in  
10 and put the new commissioner there only six months  
11 ago they started looking at this. And they started  
12 to change it because I believe they realized they  
13 were doing things wrong. It, it's one thing to  
14 continuously train and level of, of training that  
15 you have set forth by the federal standards but  
16 it's another thing to take that training and to  
17 tell probies they have to do it in X amount of time  
18 and put that time frame in a comparison to the  
19 whole of, of the class and try to get the bottom  
20 half to do it as well and as quickly as the top  
21 half and if they don't they're going to fail. And  
22 that's not fair.

24 DERREK HAWKING: ...the time frame for the  
25 FST?

1  
2 CHAIRPERSON CROWLEY: Yes and... [cross-  
3 talk] for me when I, when I hear about the FST from  
4 the testimony it reminds me of the lawsuit that  
5 happened, that started in the 70s and finished in  
6 82. And in that, it limited no woman from becoming  
7 a firefighter because it said we're going to take a  
8 field of 100 candidates and we're only going to  
9 take the very very fittest of them all and forget  
10 the vast majority of the candidates when there are  
11 much more skills that go into becoming a  
12 firefighter that you don't have to be the most  
13 athletic Olympian champion that you need to meet a  
14 certain level of physical fitness and then you can  
15 pass that physical fitness and then you can start  
16 training and become a qualified firefighter.

17 DERREK HAWKING: Right and females are  
18 passing the FST.

19 CHAIRPERSON CROWLEY: They are but the  
20 thing is over the past four classes the FST  
21 guidelines have changed and the department  
22 testified to that today.

23 DERREK HAWKING: Right.

24 CHAIRPERSON CROWLEY: And if you compare  
25 it to the standards that they had prior to 2006

1 they're different. And what we're trying to do is  
2 make sure the department has a fair testing.  
3

4 DERREK HAWKING: Right but females are  
5 passing the FST.

6 CHAIRPERSON CROWLEY: They are but in  
7 that class where I mentioned 25 percent of the  
8 overall class dropped out 50 percent of the females  
9 dropped out of that class. Eight were deemed  
10 physically fit before they entered that class and  
11 four of them did not graduate because of the  
12 physical demands of, of the FST. Now whether one  
13 couldn't make that run we heard that, that was only  
14 one time from the testimony of the doctor earlier  
15 today said there's only one time a woman couldn't  
16 make the 12 minute run. So if they're falling out  
17 because of the physical demands it has to be the  
18 FST.

19 DERREK HAWKING: No, no it doesn't have  
20 to be the FST. The 25. There's academics, there's  
21 functional skills involved in the academy. The FST  
22 from what I understand a lot of women are not  
23 failing the FST at a crazy rate which is keeping  
24 females out of the fire department.  
25

1  
2 CHAIRPERSON CROWLEY: I'm going to look  
3 for the statistic because I think we have that but  
4 in the, in the meantime Helen, Council Member Helen  
5 Rosenthal has questions.

6 CO-CHAIRPERSON ROSENTHAL: Thank you. I  
7 think the nature of the concern is a little  
8 different than just pass fail. The sense I get from  
9 hearing the women who have gone through the academy  
10 is that in order to pass the test they're taken out  
11 of other classes where they could be learning  
12 valuable skills on how to be a firefighter and  
13 instead doing additional training in order to pass  
14 the FST. Do you have any thoughts about that.

15 DERREK HAWKING: On the other aspect,  
16 no. I just, from my understanding is that females  
17 are not, a very small amount of females have failed  
18 just the FST.

19 CO-CHAIRPERSON ROSENTHAL: Right but, I  
20 mean I think I'm just trying to get to a little bit  
21 more subtle of a point. And help me out here  
22 because this is a whole... [cross-talk] new world.

23 DERREK HAWKING: ...they're being taken to  
24 train on the FST when they should be focusing on  
25 other skills.

1  
2 CO-CHAIRPERSON ROSENTHAL: Yeah. So I  
3 mean if it's a, it's a two month training course,  
4 is that right? 18 weeks?

5 DERREK HAWKING: The academy? I thought  
6 it was six months...

7 CO-CHAIRPERSON ROSENTHAL: Academy six  
8 months or year...

9 JIM SLEVIN: About 6 months.

10 CO-CHAIRPERSON ROSENTHAL: ...tell me.

11 DERREK HAWKING: It's about...

12 CO-CHAIRPERSON ROSENTHAL: six months.

13 DERREK HAWKING: ...six months.

14 JIM SLEVIN: ...almost six months, yeah.

15 CO-CHAIRPERSON ROSENTHAL: Six months.

16 And during that sync mon, six month period they're  
17 learning how to be a firefighter and there's I'm  
18 sure a curriculum that's very well thought out and  
19 there are expectations that anyone who goes into  
20 the academy would participate every day and all the  
21 different components. And what I'm hearing is, is  
22 that in order to help the women pass the test  
23 they're being pulled out of other classes so that  
24 they're not getting the full benefit of the  
25 curriculum, they have to instead spend the time

1 training to learn the FST to pass it. I think  
2 that's the nature of the concern. So it's a little  
3 more subtle than just how many went in, how many  
4 passed. How many went in and had to lose other  
5 valuable time learning the other incredibly  
6 important things that they need to know to be a  
7 firefighter in order to train and pass the FST?

9 JIM SLEVIN: I'm not aware of that. I  
10 have no... I know they are offered you know  
11 additional training to pass the FST. I'm not sure  
12 of the timeframe when that happens. But perhaps  
13 they showed proficiency in that subject so they  
14 felt they could spend more time on the FST over  
15 that subject but I know there are other women in  
16 the room here that are in favor of the S, FST and  
17 prepared to testify as to that. And I would hope  
18 you would listen to them fairly to hear all  
19 perspectives on this subject.

20 CHAIRPERSON CROWLEY: And I think that  
21 if it seems that we're not in favor of FST that,  
22 that's wrong. FST here is held to a standard of 17  
23 minutes or 18 minutes and that's what we really  
24 want to question. Look FST is supposed to be  
25 training, Functional Skills Training, not

1 Functional Skills Testing. The validity of the  
2 training is important. And there are some parts of  
3 it I understand if a probie cannot keep that mask  
4 on they're not going to be able to be a  
5 firefighter. I understand that and I understand the  
6 reasons why probies can't, if they can't get passed  
7 that they cannot be a firefighter. But when too  
8 much emphasis is put on passing these, this test is  
9 what it really is rather than training in a certain  
10 amount of time that hasn't been validated in that  
11 amount of time it puts a disadvantage on  
12 participants until it gets validated. And in prior  
13 classes it wasn't a critical graduation  
14 requirement. And just Derrek Hawking just to answer  
15 your question, the fire department provided only  
16 for class one and class two but it said in both of  
17 those classes that women, in class two three women  
18 dropped out, four women dropped out altogether but  
19 three of the four said it was FST related. And one  
20 of the first class's said it was FST. Now since we  
21 had last year's hearing I understand it hasn't but...

22 [cross-talk]  
23  
24  
25

1  
2 DERREK HAWKING: What I was saying, just  
3 FST. Women, the women have failed just FST, not  
4 other, any other aspects of the academy?

5 CHAIRPERSON CROWLEY: FDNY states  
6 reasons for leaving. Class one, female one FST and  
7 academics in class one. You're right, it's more  
8 than just FST. But in class two it's FST and  
9 practical for one and I believe that's the one that  
10 couldn't keep the mask on. And then the other two  
11 just FST.

12 DERREK HAWKING: Okay so two women on  
13 FST alone?

14 CHAIRPERSON CROWLEY: On class two.

15 JIM SLEVIN: But I, I believe there were  
16 men that also failed the FST so...

17 CHAIRPERSON CROWLEY: Right I, I'm,  
18 believe that the recent classes have had a great,  
19 much greater dropout rate than in academy classes  
20 in years prior. Thank you.

21 CO-CHAIRPERSON ROSENTHAL: Again just  
22 sort of new to this world. How many leadership  
23 positions are there in your union?

24 JIM SLEVIN: [off mic] ...represent 25  
25 hundred... oh on my Executive Board?

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CO-CHAIRPERSON ROSENTHAL: Yeah.

JIM SLEVIN: [off mic] Nine.

CO-CHAIRPERSON ROSENTHAL: There are  
nine executive board members?

JIM SLEVIN: [off mic] Yeah.

CO-CHAIRPERSON ROSENTHAL: How many are  
women?

JIM SLEVIN: [off mic] Zero.

CO-CHAIRPERSON ROSENTHAL: How many are  
minorities?

JIM SLEVIN: [off mic] I don't know,  
zero I would say.

CO-CHAIRPERSON ROSENTHAL: Thank you  
very much.

CHAIRPERSON CROWLEY: Okay we are ready  
for the next panel. Thank you to both our union  
leaders. We have Joann Dorsling [sp?], Christina  
Brant-Young [sp?], and Danielle Johnston [sp?].

DANIELLE JOHNSTON: Better? Okay. Thank  
you for having me. Thank you for listening. My name  
is Danielle Johnston and I'd like to express my  
opinion, my position based on my experiences within  
the FDNY and I do want to just disclaimer that I'm  
speaking on behalf of myself solely, not on behalf

1 of the department, any organization, or any unit  
2 that I have worked in. I've been a firefighter  
3 since December 2003. I became a firefighter at 21  
4 years old with a goal of being a civil servant and  
5 in search of a way to make a difference. I've been  
6 working at Engine Company 271 in Bushwick since I  
7 graduated the fire academy in March 2004 and I've  
8 been detailed to work in the health and fitness  
9 unit at the fire academy since August of 2013. I've  
10 been working first hand with the probationary  
11 firefighters in the academy. The incoming  
12 candidates in the CPAT training program as well as  
13 with the newly added candidate physical awareness  
14 program. The argument that there is not a fair  
15 representation of women in the FDNY is absolutely  
16 valid and a cause that I would love to help with.  
17 And I would love to assist in recruiting many more  
18 women to the department. However the lack of women  
19 is not due to current physical requirements being  
20 biased against women. In 1977 women were first  
21 allowed to take the FDNY entrance exam as you have  
22 expressed and none passed. After a lawsuit the  
23 courts rightfully deemed that test was not job  
24 related as it entailed tasks that a firefighter  
25

1 would never have to do in the line of duty. Today  
2 that is not the case at all. All of the tasks  
3 required in the CPAT and functional skills training  
4 are specifically job related. The argument that  
5 things are the same way they were 30 years ago is  
6 not true at all because the difference now is that  
7 many women can and do pass the current physical  
8 requirements. The test was absolutely biased  
9 towards women in the 70s and 80s and today it is  
10 absolutely not. The academy is now longer,  
11 remediation is offered, and there are many recent  
12 implements that have been instrumental  
13 contributions to the success of all the probies.  
14 It's no longer a statistical anomaly that a woman  
15 passes. Most of the women who come in the academy  
16 are now passing and the majority are excelling.  
17 Functional Skills Training, I'd like to elaborate  
18 on some of the things because there are some, some  
19 questions that I, that were raised that I actually  
20 have answers to. So Functional Skills Training is a  
21 series of 13 firefighting tasks performed in  
22 sequence in full personal protective equipment,  
23 bunker gear, and mask. 12 of the 13 essential tasks  
24 outlined in the NFPA 1582 are addressed in the 13  
25

1 tasks of FST. So I think that's really important to  
2 grasp. The NFPA, National Fire Protection  
3 Association has outlined 13 essential tasks for  
4 firefighters and 12 of those are addressed in FST.  
5 The only one that isn't is being a chauffeur, what  
6 we call driving an apparatus. Eight events are  
7 included in CPAT. All of those eight events are in  
8 FST. And we build upon those by, the other five  
9 events are also all fire, firefighting relating  
10 tasks. They are built upon by.. in CPAT you wear a  
11 weighted vest and you know kind of just a general  
12 protective helmet. But for FST you wear full bunker  
13 gear, mask and on air. The, another thing that was  
14 questioned before the passing time for Engine FST  
15 is 17 minutes and 30 seconds and the passing time  
16 for Ladder FST is 18 minutes and 35 seconds. These  
17 times have not varied over the 16 months I've been  
18 there and to my knowledge not previous to that as  
19 well. They are not based on the median of the class  
20 at all. The, the data was developed with Columbia  
21 University reviewing it. And they, they used the  
22 median to get an average number and then somehow I  
23 was not involved in that portion but came up with  
24 middle ground numbers and then fair times related  
25

1  
2 to use of our SCBA and working times for that and  
3 incorporated things of the average working time at  
4 a fire and there was... you can you know ask the  
5 fitness unit to provide you better statistics on  
6 all of that but I can assure you it is in no way  
7 arbitrary. FST... I would also like to give you some  
8 of the statistics from the most recent graduating  
9 class. In the FST Two Ladder Final the average time  
10 was 13 minutes and 51 seconds. So the passing time  
11 was 18 minutes and 35 seconds but the average time  
12 was, that was performed was 13 minutes and 51  
13 seconds with the average grade being 97 percent. In  
14 fact 103 out of the 282 probies scored 100 percent  
15 and above on their final exam. For many probies  
16 this helped them to graduate if they were  
17 struggling academically. Therefore the data does  
18 not support the argument that the training academy,  
19 that FST is not helping with people graduating and  
20 that it's insurmountable. It actually shows the  
21 opposite. Probies across the board drastically  
22 improve their level of fitness throughout the  
23 academy and FST is being passed by the majority of  
24 men and women who complete the training. The  
25 fitness... I, I just want to report myself I went

1 through FST as an incoming firefighter. I am now 32  
2 years old and four months pregnant and I was able  
3 to complete it in 12 minutes and 15 seconds. The  
4 fitness unit offers remedial physical training and  
5 coaching both morning and afternoon five days per  
6 week as well as in mornings and on Saturdays. The  
7 probationary firefighters that attend remedial  
8 training truly excel by the end of the academy.  
9 This is due to these candidates' extraordinary  
10 dedication and determination to succeed coupled  
11 with expert coaching and dedicated assistance by  
12 the fitness unit team. Success at FST and other  
13 training evolutions in the academy have the most to  
14 do with repetition and experience. Through  
15 repetition muscle memory and endurance increase and  
16 confidence in oneself and the tools and equipment  
17 are fostered. The academy has been criticized as a  
18 testing academy and this is very untrue. There are  
19 only two tests in FST, a midterm and a final.  
20 Everything else in between is training and provided  
21 with one on one coaching. That means there's one  
22 fitness instructor walking beside each probie going  
23 over ways to get the job done safely and  
24 efficiently. Every woman and man from the classes I  
25

1 have witnessed was afforded continual attempts with  
2 no upper limit and intensive personally tailored  
3 coaching at FST until they passed meaning if they  
4 failed on either the midterm or the final they were  
5 allowed to go again and again at their own  
6 discretion with no upper limit until they achieved  
7 a passing time. FST is not in any way used as a  
8 weeding tool but as a progressive training tool, a  
9 tool to acclimate firefighters to situational  
10 awareness performing firefighting tasks in gear  
11 learning air management and how to safely perform  
12 firefighting tasks with their mask on but most  
13 importantly learning that they can master their  
14 mind and body and overcome the task that will be  
15 put before them in the field. It affords new  
16 firefighters confidence in themselves, in their  
17 training, and equipment so they can go to their  
18 first and subsequent fires knowing that they have  
19 the knowledge and skills to perform their job. The  
20 probies deserve this and the public we serve  
21 deserves this confidence in the FDNY as well. The  
22 course does not see race, gender, religion, or  
23 political association. It only measures you against  
24 the physical requirements and technical skills the  
25

1 National Fire Protection Association has deemed  
2 essential to be a firefighter. I have seen  
3 firefighters of all shapes and sizes succeed. This  
4 is why I strongly believe in upholding the  
5 standards, because adhering to job specific and  
6 relevant standards levels the playing field and  
7 allows anyone to earn their position based on their  
8 achievement. And as compared to when I was in the  
9 fire academy I, I am grateful to work there and see  
10 the, the difference because I think that is much  
11 more objective now because previously it was more  
12 subjective and if somebody didn't think maybe you  
13 looked like what a firefighter could look like they  
14 can judge you differently but now everything is on  
15 a Scantron and, and with objective measures then we  
16 can say hey I did this, it doesn't matter what you  
17 think I look like. Lastly the nature of emergency  
18 service is preparedness. We drill and practice and  
19 train often for things and situations that are rare  
20 chances. But we want to be prepared when those  
21 situations arise. The women who are firefighters  
22 today have proven themselves both in FST and all  
23 other physical and academic endeavors. Fighting to  
24 lower the standards to increase the number of women  
25

1 further promotes the perception that women are not  
2 capable of being firefighters and this is blatantly  
3 untrue. I have seen many women who are and know  
4 that many more are out there. We need to tailor our  
5 recruiting efforts to find these women and afford  
6 them every opportunity at success which includes  
7 providing them with the guidance, resources, and  
8 expert training that will enable them to excel. One  
9 of the, the things that I, that really stood out to  
10 me from the hearing earlier today statistics wise  
11 were the CPAT statistics that were raised wherein  
12 127 women were invited to CPAT but only 54 took the  
13 test and out of those 54 only 31 passed. That's a  
14 very poor percentage. And that makes me question  
15 the effectiveness of other training programs that  
16 are going on before the academy, other recruitment  
17 efforts and such where, because as, as the  
18 commissioner said there were only 60 women  
19 currently on the list and eligible right but there  
20 could be 127. So how do we get those women? How do  
21 we bring that together? And, and I do absolutely  
22 believe in transparency of the job and of all  
23 organizations related to the job. And I do  
24 encourage the UWF as well to show us their  
25

1 statistics on the training program. And I  
2 personally... you know I am not a member of the UWF  
3 which I am sad about for a variety of reasons and  
4 actually the majority of the 44 women on this job  
5 are not members of the UWF. And myself and a, a few  
6 of us met yesterday with Councilwoman Crowley to  
7 try and have a collective voice because many of us  
8 wish that there was actually a united women, a  
9 woman's voice within the department wherein all  
10 perspectives are, are granted and viewed. And my  
11 personal experience of the time that I was most  
12 bullied was by Brenda Berkman at my first UWF  
13 meeting and when she told me that I, I owe my job  
14 to her after I physically worked through the  
15 academy to, to earn my job myself. And I've had  
16 multiple reports from, from probationary  
17 firefighters that feel that the UWF bullies them  
18 into making certain decisions and I've had probies  
19 come to me and say oh hey you're not as bad as they  
20 say you are, which you know really undermines me as  
21 an instructor in my training and... and, and part of  
22 why again I spoke to Councilwoman Crowley in what I  
23 hope to get from today and going forward is for  
24 there to be a genuine... like if all of the 44 women  
25

1 who are on this job today can work together to  
2 figure out how to get the rest of those women, how  
3 to bring us all together and get more numbers.

4  
5 CHAIRPERSON CROWLEY: Before we open up  
6 for questions do we have any other female  
7 firefighters? You're a female firefighter, okay.

8 JOANN DORSLING: Hello my name is Joann  
9 Dorsling [sp?]. I've been a firefighter for over 11  
10 years. I'm assigned to an engine company by choice,  
11 it's where I want to be. I'm not a UWF member. Like  
12 Danielle mentioned most of us are not UWF members.  
13 And as, I have contacted many women who are on the  
14 job now and even UWF members and they all agree  
15 that their experience at the academy with FST was  
16 not a negative one and they are all in favor of  
17 maintaining the program. I understand that there  
18 was a survey conducted, one of which I was never  
19 reached out to and many of the women on this job  
20 were not reached out to. So if there's ever a  
21 survey involving women I feel like we should all be  
22 contacted because the UWF is not an accurate voice  
23 for all the women in the department. There was a, a  
24 couple of other things that I wanted to add  
25 regarding the academy. You can withdraw from the

1 academy and you are, you can come back. So I know  
2 there was a large number, 25 percent, yeah that is  
3 a large number but if you're not doing well  
4 academically or physically you are allowed to come  
5 back... I'm not 100 percent sure but you're allowed  
6 to come back as many times as you want, numerous  
7 times, which is unheard of. When I went through the  
8 academy you got one shot. Another thing is sorry... I  
9 had one, I had a testimony ready and then it  
10 completely changed with all the testimonies. Ms.  
11 Rosenthal you mentioned earlier that there are  
12 women in the academy that are being pulled out of  
13 training in probationary school right, in the  
14 previous classes. And there is some truth to that  
15 statement. But what they're being pulled out of is,  
16 there is a one week field training where they get  
17 to go out into the firehouses and see what it's  
18 like to be in a fire house and during that time  
19 they're given an option to stay back at the academy  
20 and continue their training to help them better  
21 prepare for the field. It's not that they're  
22 missing any training.

24 DANIELLE JOHNSTON: But to clarify in  
25 the most recent class that did not happen at all.

1 All of the women went out to train in the field.  
2  
3 And as well it's only, it's, it's given as an  
4 option if you want to come and do extra training  
5 for FST but no, no one is pulled out of their class  
6 for extra practice in FST at any point. And I, as I  
7 said I've been there for the last 16 months and  
8 I've, I've never witnessed that. And to, to just  
9 add to some of what Joann said you can repeat the  
10 academy. And actually many of the women who dropped  
11 out of the classes from last year have come back to  
12 repeat and succeed and are now firefighters and  
13 assigned to firehouses. The other thing is it, you  
14 are not encouraged to work through an injury. I, I  
15 work in the health and fitness unit. I am also a, a  
16 registered nurse and most of the trainers in the  
17 health and fitness unit are certified personal  
18 trainers and we actually very often are asking  
19 about injuries and giving tips on how to prevent  
20 injuries and MRSA and any other things that, that  
21 could come up. As well we have unlimited medical  
22 leave so if a probie gets injured or sick they are  
23 allowed to go on medical leave. If they miss a set  
24 number of you know time within the academy they may  
25 have to repeat the next class and there's been a

1 new program implemented wherein if, if they are  
2 injured they can come back and they're, there's a  
3 group of probies at the academy now who are going  
4 to be starting in December. They were injured or  
5 became ill in the last class and are now being paid  
6 to train and study both physically and  
7 academically. The fitness unit works with them  
8 every day for an hour and a half on physical  
9 training and on FST and they have hours each day to  
10 study their earning pensionable time and will come  
11 back in the next class.

13 CHAIRPERSON CROWLEY: I just have a few  
14 questions for the females and then we'll ask you to  
15 depart. I imagine that you know just from  
16 testifying... because I, I believe the next panel is  
17 different so we try to keep the panels the same.  
18 Okay so Danielle you mentioned that you have been  
19 an instructor at the academy. When did your time as  
20 instructor begin?

21 DANIELLE JOHNSTON: The first time I was  
22 instructor at the academy was in 2005 after I was  
23 burned. I, I went there on light duty and I, I  
24 worked there for a few months and after that I was  
25 a CPAT instructor intermittently throughout my

1 career but I've been fully assigned there on a  
2 detail since August of 2013.  
3

4 CHAIRPERSON CROWLEY: Okay. So you've  
5 seen firsthand, you've been there over the past  
6 four classes?

7 DANIELLE JOHNSTON: Mm-hmm.

8 CHAIRPERSON CROWLEY: You heard the  
9 commissioner of the department testify that things  
10 have been changing with FST. When you were in the  
11 academy were you held to a standard where you had  
12 to pass the FST as a critical graduation  
13 requirement in a certain amount of time?

14 DANIELLE JOHNSTON: No I wasn't. There  
15 was no, FST was not a critical graduation... [cross-  
16 talk]

17 CHAIRPERSON CROWLEY: Sorry... [cross-  
18 talk]

19 DANIELLE JOHNSTON: ...requirement.

20 CHAIRPERSON CROWLEY: I know... [cross-  
21 talk]

22 DANIELLE JOHNSTON: Can you hear me or...

23 CHAIRPERSON CROWLEY: When you were in  
24 the academy how long was the academy?  
25

1  
2 DANIELLE JOHNSTON: When I was in the  
3 academy it's, it was 14 weeks. It is now 18 weeks  
4 and from my understanding a lot of the added time  
5 is for other, other training that has been added.

6 CHAIRPERSON CROWLEY: Do you think that  
7 the academy is more difficult today than it was  
8 when you were a probie?

9 DANIELLE JOHNSTON: I don't in the sense  
10 that as I said now there are objective measures. So  
11 for me that provides some solace in knowing if I  
12 meet these measures I can graduate. There's no  
13 subjectivity.

14 CHAIRPERSON CROWLEY: I understand  
15 objective subjective but on the whole the  
16 percentage of people that fall out of the academy  
17 today is much greater than when you were in  
18 academy, would you agree?

19 DANIELLE JOHNSTON: No because in my  
20 class we started with 310 and graduated 282 or 283.  
21 So I, you know I don't know about all the other  
22 classes in between... [cross-talk]

23 CHAIRPERSON CROWLEY: ...I said 10 percent  
24 drop off. There was the class that had graduated  
25 last year, this time last year that had 25 percent

1 drop off. That was the only class that decided to  
2 use this FST as a critical graduation requirement.

3 DANIELLE JOHNSTON: That's, I don't know  
4 what percentage of that was you know I, I don't  
5 claim to be an expert or statistician on this..

6 [cross-talk]

7 CHAIRPERSON CROWLEY: ...about 80 people  
8 that fell out of that class.

9 DANIELLE JOHNSTON: Right but I don't  
10 know what percentage of that was related to FST. I  
11 think that it was a very low percent. And the  
12 positive change that has occurred is that FST is  
13 not a critical pass anymore. So the changes that  
14 you're mentioning have occurred in a positive  
15 direction.

16 CHAIRPERSON CROWLEY: Right. Right.

17 DANIELLE JOHNSTON: And, and I think  
18 they continue to occur in a positive direction.

19 JOANN DORSLING: Could I add something  
20 please?

21 CHAIRPERSON CROWLEY: Yes, please. But I  
22 do want a point of clarification in that this FST  
23 became a critical graduation requirement not too  
24 long ago. And then after the committee had a  
25

1 hearing last year it was looked at differently. And  
2 then a private consultant came in. It, it was not  
3 put together in a way that the CPAT was put  
4 together. I understand that those are not, there  
5 are many women not passing the CPAT and that's too  
6 bad and we could do more as a city to try to get  
7 women prepared to pass the CPAT. But that came  
8 together in a collective way outside of the  
9 department and under a judge's oversight whereas  
10 this FST which is one way for this class and that  
11 way for another class and then back to this way and  
12 then I'm going to change it that way does not seem  
13 fair when it's forever training.

15 DANIELLE JOHNSTON: I don't agree at all  
16 actually that it, it's forever changing. I, I do  
17 agree with a lot of your points in it. I do agree  
18 with some things but it, it is not forever  
19 changing. And, and some of the changes that were  
20 made were things that were trying to be implemented  
21 for years. And I think I actually respect the  
22 department and, and the, and the fitness unit for  
23 saying hey maybe that, that wasn't correct. Maybe  
24 we shouldn't make that a critical and let's get it  
25 relevant and let's get an outside company to look

1  
2 at this and, and see what this actually is and if  
3 what we're doing is correct. And I know that  
4 Lieutenant Cassiola was part of developing CPAT and  
5 you know as an instructor... IFF and worked on the  
6 panels to develop CPAT. So he used those things and  
7 built upon them to create something relevant within  
8 the department. And honestly if I believed in any  
9 way that it, it, or if I saw that it was hindering  
10 women from getting out then I would by all means  
11 state that here today. But, and we have a lot of  
12 the probies that would like to speak up but  
13 similarly are scared to because also without the  
14 protection of an organization if you're not a  
15 member of the UWF or, then you know sometimes the  
16 department and the organization will come down on  
17 you and I myself have been subject to two different  
18 investigations that in the end were found,  
19 unfounded but caused you know severe... [cross-talk]

20 CHAIRPERSON CROWLEY: I, I understand. I  
21 do think it's... [cross-talk]

22 DANIELLE JOHNSTON: ...trouble in my, in  
23 my personal life.

24 CHAIRPERSON CROWLEY: I think it's brave  
25 of you to be here today to testify. And I do

1 understand that the United Women Firefighter  
2 organization doesn't represent the whole of the  
3 women of the fire department but they... [cross-talk]

4  
5 JOANN DORSLING: Small, a small  
6 percentage.

7 CHAIRPERSON CROWLEY: I get that. And as  
8 does the Vulcan Society

9 JOANN DORSLING: But if you...

10 CHAIRPERSON CROWLEY: And...

11 JOANN DORSLING: ...if you asked all of us  
12 for our...

13 CHAIRPERSON CROWLEY: I'm just saying  
14 that the only time that the women have sued before  
15 and us having this hearing today is to prevent a  
16 lawsuit they want and the times that the Vulcan  
17 Society have, has sued the department they've won.  
18 So whether I believe it, the vast majority of the  
19 fire department believes it to be this way there's  
20 an independent judge and they have independent  
21 panels and they reviewed over very long period of  
22 time before they come up with their decisions. And,  
23 and in the 70s into the early 80s they found that  
24 women were discriminated against. And if the likes  
25 of Brenda Berkman did not sue the department I

1 don't know that there would be even one woman on  
2 the department today.

3  
4 DANIELLE JOHNSTON: I think there would  
5 be.

6 CHAIRPERSON CROWLEY: But, but I'm going  
7 to recognize. I think Joann first you had a  
8 statement.

9 JOANN DORSLING: Yes I, I just... [cross-  
10 talk]

11 CHAIRPERSON CROWLEY: And then I, I'm  
12 going to recognize Council Member Rosenthal.

13 JOANN DORSLING: I'll mention again I  
14 don't think FST is the problem in getting women  
15 into the department. Also there was a council  
16 member earlier that asked how many women have  
17 failed FST in the past I think two years. I don't  
18 work in a office so I don't know the exact numbers  
19 but I do know that there have been 16 women that  
20 have graduated from the academy in the last two  
21 years and those are huge numbers compared to when I  
22 came on the job. When I came on the job they  
23 haven't had, they didn't hire that many women. For  
24 20 years my class was the highest, the largest  
25 amount of women which was four. And that was about

1  
2 11 years ago. 16 women in two years is huge. We are  
3 moving in the right direction. FST I don't think is  
4 the problem. What I think is the problem is the  
5 recruitment efforts. There used to be a program, it  
6 was called the cadet program and they went out and  
7 they recruited women in minorities and they  
8 informed them about the job and they helped train  
9 them and they, they were aware of how competitive  
10 this job was and they helped prepare and the  
11 numbers started to increase. I took this test  
12 twice... get a 99. I scored a 95 on the written. Most  
13 would think wow that's great but in actuality is  
14 not that great because there's huge competition. On  
15 the physical if you don't score a hundred you're  
16 not going to see the job. You need a hundred  
17 otherwise your score goes down to 88 and then you  
18 average that with your written score. I messed up  
19 on one event so I automatically gave up. During  
20 that time I received training provided by the job.  
21 They had reached out to me. Most of the members  
22 that I met were women of the UWF. The training was  
23 pertinent to the, to the physical. There was a lot  
24 of hands on, working with ladders, hoses, a lot of  
25 great training. The second time around when I went

1 to take the test I did better on the written, I  
2 scored a 98. I took the physical, I scored a  
3 hundred on the physical but when I joined the UWF's  
4 training program I thought it wasn't, it wasn't  
5 good enough, it wasn't going to, it wasn't as good  
6 as the previous training program and it wasn't  
7 going to get me to where I needed to be so I pulled  
8 away from the program and I worked out on my own. I  
9 feel that we need to focus on training women for  
10 the physical keeping them trained so that they can  
11 take the physical. Also another thing was after I  
12 took the written test women were given, were  
13 allowed to take the physical first. All the women  
14 no matter what your score was you were allowed to  
15 take the physical first which kept us in great  
16 shape. Because all, the training had continued.

18 DANIELLE JOHNSTON: I can speak to the  
19 success of the cadet program as well because I was  
20 a fire safety cadet prior to being a EMTM  
21 firefighter and it was a really great training  
22 program. And I think the difference between now and  
23 then is that then that was a collaborative training  
24 program with the fitness unit and the UWF working  
25 together in the training and developing the

1 training. However now they're independent and I, I  
2 actually once I got assigned to the fitness unit I  
3 reached out to the president of the UWF and, and  
4 asked that hey like I'm here now maybe I can help,  
5 be a liaison or get some information back and  
6 forth. We can get both you know on board to go  
7 forward and incorporate you know the training  
8 program and I was ignored.

10 JOANN DORSLING: I, I think that  
11 individuals assigned to this training program they  
12 don't necessarily have to be fire department  
13 employees but they should be professionally trained  
14 people that know exactly what they're doing to get  
15 these women ready for either the physical test or  
16 the academy and, and frankly I've also spoken to  
17 UWF members who are part of this training program  
18 and they have told me that they have advised women  
19 that are going into the academy as to... have advised  
20 them not to enter the academy because they felt  
21 like they were not physically ready for the  
22 academy. And against their advice these women still  
23 joined the academy even though they had the option  
24 to postpone. So we also need to examine the health,  
25 the physical condition of these women entering the

1 academy and measure it like the time from when they  
2 took the test and the time from when they get into  
3 the academy because their health could have  
4 deteriorated.  
5

6 DANIELLE JOHNSTON: The other dynamic is  
7 as well the, the person yes many, many women from  
8 the UWF are running the training program but it's,  
9 it's also now being run by a marine which to me I,  
10 I you know I question why it isn't just  
11 firefighters. Because in the past it's been just  
12 firefighters, male and female firefighters who know  
13 what is specifically important and ways to overcome  
14 that. I know that the, the, the fitness unit has  
15 worked with him and he's come out and, is going to  
16 be going through FST himself and, and he was  
17 actually a fan of our training program so far. So  
18 we are trying to work with him but in my personal  
19 opinion I, I think that it, it should be an  
20 integrative and collaborative program.

21 CHAIRPERSON CROWLEY: ...so much for  
22 coming to testify and thank you so much for being a  
23 firefighter.

24 DANIELLE JOHNSTON: Thank you.  
25

1  
2 CHAIRPERSON CROWLEY: I'm really  
3 impressed but I'm just a nerd I never could have  
4 done any of that.

5 DANIELLE JOHNSTON: I'm sure you could  
6 have with the right training.

7 CHAIRPERSON CROWLEY: Thank you. I do  
8 yoga but that's just about it. Really quickly one  
9 of the things that seems to go back and forth and I  
10 am going to write to the commissioner and ask  
11 confirmation about this but it sounds like you  
12 might know. At which, which of the tests, which of  
13 the academy sessions were the FST used as training  
14 and where, when was it a requirement to graduate?

15 DANIELLE JOHNSTON: Again I... [cross-  
16 talk]

17 CHAIRPERSON CROWLEY: So...

18 DANIELLE JOHNSTON: ...can only speak from  
19 my experience I, I'm... [cross-talk]

20 CHAIRPERSON CROWLEY: ...from your...

21 DANIELLE JOHNSTON: ...I'm just speaking  
22 for myself personally so I think those are things  
23 that you can better get from the job. But FST is  
24 always used as training. As I said there's only two  
25

1 tests and there was only one class where it was a,  
2 a required, required to pass in order to graduate.

3  
4 CHAIRPERSON CROWLEY: And which, do you  
5 know the date of that class?

6 DANIELLE JOHNSTON: I, I don't recall  
7 off the top of my head. I think it, I think it was  
8 last year but I'm not sure.

9 CHAIRPERSON CROWLEY: So not the 2014.  
10 So the 2014 classes probably...

11 DANIELLE JOHNSTON: You can verify that  
12 with the department. I don't want... [cross-talk]

13 CHAIRPERSON CROWLEY: Thank you I really  
14 will.

15 DANIELLE JOHNSTON: ...to misspeak there  
16 but I, I know that it was one class. [cross-talk]

17 CHAIRPERSON CROWLEY: No I appreciate  
18 that.

19 JOANN DORSLING: I would also like to  
20 add that there has always been testing, physical  
21 testing to, to graduate from the academy. It's not  
22 something new. Maybe the, the format, maybe as Ms.  
23 Crowley has mentioned maybe the, they've changed  
24 FST here and there but there has always been a  
25

1 physical test to graduate. It's not something new  
2 to the department.  
3

4 CHAIRPERSON CROWLEY: Okay.

5 CO-CHAIRPERSON ROSENTHAL: And can I  
6 just ask you personally just because you both  
7 testified in your own capacity as firefighters how,  
8 whether or not you think you would.. so wait first  
9 of all are you assigned to a firehouse or are you  
10 working in the academy?

11 DANIELLE JOHNSTON: I go both. I am  
12 assigned to a firehouse and I am detailed to the  
13 training academy in... [cross-talk]

14 CO-CHAIRPERSON ROSENTHAL: Okay. Would  
15 you...

16 DANIELLE JOHNSTON: As I said I'm four  
17 months pregnant so that's why I'm, I'm there.

18 CO-CHAIRPERSON ROSENTHAL: Yeah,  
19 congratulations. Would you prefer to have another  
20 woman in your firehouse with you or do you prefer  
21 to be the only woman in the firehouse?

22 DANIELLE JOHNSTON: I don't, I don't  
23 think that I have a preference per say. I haven't  
24 really thought that through before today I would  
25 absolutely love to work with other women and there

1 is actually a firehouse where there's a woman  
2 Lieutenant and a woman firefighter. So it, it does  
3 exist.  
4

5 CO-CHAIRPERSON ROSENTHAL: Do you know  
6 the number of that one?

7 DANIELLE JOHNSTON: I believe it's 95.

8 CO-CHAIRPERSON ROSENTHAL: Okay.

9 DANIELLE JOHNSTON: 93 sorry, engine 93  
10 ladder 45.

11 CO-CHAIRPERSON ROSENTHAL: And Joann you  
12 were going to say...

13 JOANN DORSLING: Yeah I would like to  
14 add something. In the past there have been two  
15 women firefighters, not an officer and a  
16 firefighter, assigned to one house. And although  
17 I'm not one of those women and I didn't hear it  
18 from their mouths, I think... Having two women in the  
19 firehouse, I wouldn't want it in my firehouse and I  
20 wouldn't want it in anyone else's firehouse and the  
21 reason for that is because at this time there  
22 aren't that many of us. I would rather us be spread  
23 throughout the city for, so people can see more  
24 women. But besides that is that in the past from  
25 what I was told when you have two females in the

1  
2 house, especially when there's so few women they  
3 tend to be compared by the men. And those two women  
4 that were assigned to one fire house they ended up  
5 not, not getting along because men kind of penned  
6 them against each other by talking about one, what  
7 one can do, what the other one can't do and so on  
8 and so... So I don't think it would be favorable at  
9 this time to make that type of change. I think when  
10 we increase our numbers yes that's completely fine.  
11 I don't, I don't mind if 10 work in the house with  
12 me but right now I don't think that's a good idea.

13 CO-CHAIRPERSON ROSENTHAL: So the  
14 comparing. I mean that must happen among men too.

15 JOANN DORSLING: Yes. Yes but it's, I  
16 think it's bad when it's just us two in a  
17 firehouse. We don't need to be against each other,  
18 we need to be a team and that's pretty hard to  
19 maintain when you're trying to establish yourself  
20 in a firehouse and earn your respect.

21 CO-CHAIRPERSON ROSENTHAL: And so same  
22 with the men they can't really behave as a team  
23 because they're being compared against each other?

24 [cross-talk]

25

1  
2 JOANN DORSLING: ...as a team but you  
3 know... boys will be boys. They always throw their  
4 chest up and see who's stronger and you know and...

5 CO-CHAIRPERSON ROSENTHAL: Look it's no  
6 picnic I, I don't. I'm grateful for all the work  
7 you do. Thank you.

8 CHAIRPERSON CROWLEY: I am too. Part of  
9 us having the hearing today is so that it won't be  
10 an all boy's club.

11 JOANN DORSLING: Thank you.

12 DANIELLE JOHNSTON: Thank you.

13 CHAIRPERSON CROWLEY: And we'll take  
14 your recommendations and encourage you to continue  
15 to work with the committee and the council. We are  
16 committed to making sure the next round of  
17 recruitment has a much greater number of women  
18 sitting down to take the test than the previous  
19 test exam day. So I have no other questions. I  
20 thank you both for the work that you do and for  
21 being here today. And lastly we will hear from  
22 Legal Momentum. And the two female firefighters  
23 you're free to...

24 DANIELLE JOHNSTON: Thank you. Thank you  
25 for your time.

1  
2 CHRISTINA BRANT-YOUNG: Just to clarify  
3 to the committee am I the very last witness for  
4 today?

5 CHAIRPERSON CROWLEY: You are... [cross-  
6 talk]

7 CHRISTINA BRANT-YOUNG: Alright. I will  
8 attempt to keep this short because I know that at  
9 this point I'm, I would be repeating things that  
10 many other witnesses have said. I want to thank  
11 Chair Crowley for inviting Legal Momentum, the  
12 women's legal defense fund to testify here today  
13 and to thank the Committees on Fire and Criminal  
14 Justice Services, Women's Issues, and Contracts. My  
15 name is Christina Brant-Young. I am a senior staff  
16 attorney at Legal Momentum and the head of its  
17 occupational segregation program. Legal Momentum  
18 celebrates the heroic work of firefighters  
19 everywhere and that's why we advocate for a diverse  
20 fire department that welcomes qualified women. It  
21 is a myth, obviously, that women are not strong or  
22 fast enough to be firefighters as the experience  
23 of... shows and that the experience of our own female  
24 firefighters shows. The women of New York City are  
25 just as strong and brave as women anywhere. We

1 encourage the Mayor and the City Council to ensure  
2 that qualified women are given an honest chance to  
3 join the fire department. As has already been noted  
4 in this hearing the fire department's increasing  
5 emphasis on Functional Skills Testing shows that  
6 the historical and legal lessons of the Berkman  
7 Lawsuit have been lost on the fire department. It's  
8 a mystery why the fire department hasn't hired  
9 women at the rates that the federal courts  
10 attempted to set out over three decades ago. It's  
11 also a shame that having had a test from the 70s  
12 thrown out for inadequately following the advice of  
13 legal experts the fire department has now  
14 instituted a new barrier to graduation from the  
15 academy in the form of Functional Skills Testing  
16 with a timing requirement and again developing that  
17 with no input from experts at all. The timed FST  
18 became a new obstacle to becoming a firefighter.  
19 Before 2012 none of the approximately 10,000  
20 firefighters hired by the department had every had  
21 to complete a timed FST. The erection of this new  
22 barrier coincided with the admission to the academy  
23 of large numbers of EMTs and priority hires from  
24 the Vulcan Lawsuit, a group that included more  
25

1 women, more people of color, and more women of  
2 color than ever before. Therefore the historical  
3 burden of this invalid test has fallen  
4 disproportionately on women and people of color.  
5 The overwhelming majority of today's firefighters  
6 have never taken a timed FST. After graduation from  
7 academy no one in the fire department is ever  
8 required to take the FST timed or not ever again.  
9 So clearly the FST is not necessary for running a  
10 safe fire department. Why validate it at all? At  
11 nine percent the fire department has the lowest  
12 overall proportion of female employees of any New  
13 York City agency and it cannot solve its inability  
14 to hire women firefighters on its own. The fire  
15 department has not only a problem for hiring women  
16 firefighters, it doesn't hire enough women at all.  
17 Even taking firefighters out of the equation and at  
18 less than half of one percent they are barely in  
19 that equation in the first place women are  
20 dramatically underrepresented at the fire  
21 department as dispatchers, budget and finance  
22 personnel, administrators, lawyers, and EMTs.  
23 Research shows that when workplaces are dominated  
24 by a single sex gender based stereotypes can creep  
25

1 into decision making and those, those stereotypes  
2 are difficult to displace. In the fiscal year 2012  
3 the workforce of New York City overall was 57  
4 percent female yet the workforce of the fire  
5 department was only nine percent overall which  
6 means that only about 25 percent of the fire  
7 department's non-firefighter force is female.  
8 Likewise the fire department's executive leadership  
9 although it has improved dramatically from what we  
10 can tell is still only about 25 percent female and  
11 I want to know that that includes on the current  
12 work chart nine women, one of whom is a lawyer and  
13 three of whom are EEO personnel. This leads to the  
14 grave concern that when people in the fire  
15 department see a woman they immediately think of  
16 nothing but discrimination and discrimination  
17 complaints and unnecessary testing... sensitivity and  
18 the EEO office. This is not a way to include  
19 women's perspectives and, and their voices into any  
20 agency decision making. An agency with unusually  
21 lower, low numbers of women overall is not going to  
22 solve the problem of occupational segregation  
23 within its firefighting force. Qualified women have  
24 been kept out of the fire department. What the city  
25

1 should do in response to that situation is clear.

2 The mayor should ban any timing requirement to the

3 FST as arbitrary and the city council should just

4 issue legislation doing the same. We support Intro

5 number 579 regarding reporting on the racial and

6 gender makeup of fire examination applicants,

7 eligible lists, academy admissions, and graduation

8 statistics. We encourage the city council to amend

9 that bill to specify every reason why candidates

10 did not complete the academy not merely the FST or

11 similar physical testing. And I have to say you

12 know there are physical testing requirements that

13 we won't go into because this, this hearing has

14 been extraordinarily comprehensive but there's,

15 there' more that we could, that we could be

16 discussing regarding physical testing. So we want

17 to reiterate that the women of New York City are

18 just as strong and brave as women anywhere and we

19 look forward to the inclusion of many more of them

20 in all rolls at the fire department. Thank you. As

21 a lawyer I, I totally appreciate sometimes you're

22 all questioned out.

23  
24 CHAIRPERSON CROWLEY: I, since you have

25 a lot of statistics can you give us statistics of

1 maybe the Department of Correction, Department... the  
2 Police Department in comparison?

3  
4 CHRISTINA BRANT-YOUNG: That's actually  
5 a very good question and I don't have them on me.  
6 My, the statistics were taken from the 2012 overall  
7 management report. I'm happy to send, it's page 18,  
8 has a lovely chart. I'll...

9 [background comments]

10 CHRISTINA BRANT-YOUNG: I want to make  
11 sure that I'm citing the right one and so I'll send  
12 you that citation, I'll send you the chart  
13 separately. It is a riveting, riveting chart and,  
14 and lovely visual I wish that I myself had produced  
15 it. But I'll make sure to send it along. I'll note  
16 that the department of sanitation for reasons that  
17 are unclear is also at only about nine percent  
18 women which we found very surprising but obviously  
19 the, the, the police department has, has improved  
20 their numbers quite a bit... [cross-talk]

21 CHAIRPERSON CROWLEY: And police  
22 department has and the overall police department I,  
23 from memory I believe it's 18 to 19 percent but the  
24 new hires are closer to 25 and greater. The Police  
25 Department, Department of Correction is even

1 higher, nearly 50 percent of the Uniformed  
2 workforce is female. So we've been able to do it in  
3 those two departments and so we've got our work  
4 ahead of us in the fire department. I, I appreciate  
5 Legal Momentum being here today and your testimony  
6 and we're going to continue to work with you female  
7 firefighters and the fire department to make sure  
8 that we have more women becoming firefighters in  
9 the city of New York. Thank you. And this concludes  
10 the hearing on the Fire and Criminal Justice  
11 Committee, Contracts Committee, Women's Issues  
12 Committee hearing of December 10, 2014.

14 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 14, 2014