

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND EMERGENCY
MANAGEMENT

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SEPTEMBER 19, 2022

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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Joanne Ariola, Chairperson

COUNCIL MEMBERS:

David M. Carr
Carmen N. De La Rosa
Oswald Feliz
James F. Gennaro
Robert F. Holden
Kevin C. Riley
Lynn C. Schulman
Kalman Yeger
Adrienne Adams, Speaker
Joseph Borelli
Nantasha M. Williams
Darlene Mealy
Crystal Hudson
Keith Powers

A P P E A R A N C E S

Laura Kavanaugh, FDNY Fire Commissioner
Don Nguyen, FDNY Assistant Commissioner
Malcolm Moore, FDNY Chief
Nafeesah Noonan, FDNY Assistant Commissioner
John Hodgens, FDNY Chief
Lizette Christoff, FDNY Deputy Commissioner
Regina Wilson
Jackie-Michelle Martinez
Bobby Eustace
Branda Berkman
Sarinya Srisakul
Oren Borzilay
Michael Greco
Arlene Simmons
Louis Holmes
Daryl Chalmers
Anita Daniel
William West
Tyeesha Pugh
Alonzo Baker
Sophy Medina

2 SERGEANT-AT-ARMS: Good morning, ladies
3 and gentlemen, and welcome to today's Fire and
4 Emergency Management Committee meeting.

5 For those people that are Zoom, if you
6 want to submit any statements, you can do it at
7 testimony@council.nyc.gov. Again, if you want to
8 submit any written testimony, you can do so at
9 testimony@council.nyc.gov.

10 Everyone, please silence any electronic
11 devices.

12 Madam Chair, we are ready to begin.

13 CHAIRPERSON ARIOLA: [GAVEL] (INAUDIBLE)
14 Fire and Emergency Management. I've been joined by
15 our Speaker Adrienne Adams and fellow Council Members
16 Schulman, Carr, Holden, Yeger (INAUDIBLE) Thank you
17 to my Colleagues and the administration and the
18 public for joining us this morning for this important
19 hearing.

20 The FDNY is composed of skilled men and
21 women who regularly risk their lives to protect the
22 residents, workers, and visitors of New York City. I
23 want to thank all who serve our city as part of the
24 New York City Fire Department. You truly are our
25 bravest.

2 As a Committee, we're focused on working
3 with the Fire Department to enhance public safety and
4 the safety of its members. However, even the greatest
5 of Fire Departments can improve, and we are committed
6 to working with the administration to make those
7 improvements. Whether it is critically examining the
8 Department's budget to eliminate wasteful spending,
9 advocating for equipment and facility upgrades for
10 our firefighters and EMS workers or considering
11 amendments to the Fire Code aimed to provide fire
12 safety, this Committee will never stop working on
13 impactful issues that help our government and city
14 function better for all New Yorkers. In doing so,
15 this Committee is ready to have the necessary
16 conversations regarding those issues that will impact
17 change. That brings us to the topic of today's
18 hearing, evaluating diversity and inclusion in the
19 Fire Department, an area where I hope that as a
20 Committee we can help move the ball forward in
21 addressing a longstanding issue of expanding
22 diversity and inclusion that the Department has been
23 working on. The Council has held numerous hearings
24 over the years on the low statistics of female and
25 minority firefighters representing New York's

1 bravest. In 2013 and 2014, the Council held hearings
2 on ways to increase the number of the city's female
3 firefighters. Although there has been a recruitment
4 effort put forth, nearly 10 years later the number of
5 females represented in the Department is still at
6 approximately 1 percent. In 2018, this Committee held
7 a hearing on overall diversity to show that
8 minorities were underrepresented in the Department.
9 Today's hearing will seek to learn what progress has
10 been made by the Department regarding the increase in
11 minority and female representation. Over the years,
12 FDNY and the City have faced lawsuits regarding the
13 Department's hiring practices with respect to female
14 and racial and ethnic minority candidates. Since
15 2014, the Department's exam and hiring process has
16 been subject to a federal monitor due to a settlement
17 following one of the lawsuits filed by the United
18 States Department of Justice and the Vulcan Society,
19 an organization of black firefighters in the FDNY.
20 Fortunately, in recent testing cycles, we have seen
21 the Department demonstrate a commitment to improving
22 the recruitment of underrepresented candidates as
23 evidenced by the increased budgetary expenditures and
24 ongoing work to improve diversity and inclusion in
25

1 the Department. Although the FDNY has enhanced its
2 efforts in recent years to recruit women and
3 minorities resulting in more historically
4 underrepresented groups taking the firefighter exam,
5 the number of women and minority firefighters remains
6 extremely low relative to both city agencies and
7 other firefighting agencies across the country.
8 Beyond recruitment, the Committee wants to have a
9 better understanding of the obstacles faced by women
10 and minorities seeking to become New York City
11 firefighters and what ongoing steps that the
12 Department has taken or plans to take in order to
13 address these obstacles.
14

15 In addition to discussing these important
16 topics, the Committee will be hearing related
17 legislation that aims to address some of the issues.
18 Intro 516 sponsored by Speaker Adams would require
19 the Fire Department in consultation with the
20 Department of Citywide Administrative Services to
21 develop and implement a plan for ensuring that
22 racial, ethnic, and gender demographics in the
23 Department's firefighters reflect that of the city's
24 population as a whole.
25

2 Intro 519 sponsored by myself would
3 require the Fire Department to survey each firehouse
4 to determine the permanent facility upgrades
5 necessary to ensure a safe working environment for a
6 mixed gender workforce. Women deserve facilities that
7 provide the safety and privacy necessary to do their
8 jobs in every firehouse. No later than six months
9 after completion of the survey, the Department would
10 be required to issue a public report on the findings
11 of the survey detailing the permanent facility
12 upgrades necessary for each firehouse selected as
13 well as a plan to implement such upgrades. The Fire
14 Department would be required to complete permanent
15 facility upgrades identified in the report no later
16 than five years after submission of the report.

17 Intro 552 sponsored by Council Member
18 Kevin Riley which would require the Fire Department
19 to publicly report on the demographics of its
20 firehouses and report information on members residing
21 within the geographic area that their firehouse
22 covers.

23 Intro 553 also sponsored by Council
24 Member Riley would require the Fire Department in
25 consultation with DCAS and the City's Commission on

2 Human Rights to develop and implement a plan for
3 providing ongoing training and education to all
4 members of staff regarding harassment and diversity
5 and inclusion.

6 Finally, Introduction 560 sponsored by
7 Council Member Nantasha Williams would require the
8 Fire Department to submit a public report on
9 complaints filed with the Department's Equal
10 Employment Opportunity Office regarding potential
11 violations of the City's Equal Employment Opportunity
12 Policy.

13 I look forward to a productive discussion
14 today, and I am eager to hear the Department and
15 Administration's vision for continuing important work
16 in making members of New York's bravest attractive to
17 all New Yorkers.

18 I now turn the floor to our Speaker,
19 Adrienne Adams.

20 SPEAKER ADAMS: Thank you very much, Madam
21 Chair. Good morning, everyone. I'm Adrienne Adams,
22 Speaker of the New York City Council, and thank you
23 to all of you who have joined us today and thank you,
24 Council Member Joanne Ariola, for convening this very
25 important hearing today.

No one can doubt the incredible work that the New York City firefighters undertake every single day. In addition to fires, our heroic FDNY firefighters respond to vehicle collisions, high-rise life-saving mediation, downed wires, floods, and much, much more. The FDNY is the largest fire department in the country and responds to over one million emergencies each year. They are without question our bravest. As a native New Yorker, I am incredibly proud of the work of the FDNY, and their ethos represents the very best of our city and I can personally attest to that ethos because my own daughter is an FDNY paramedic. Unfortunately, though, the makeup of the FDNY is not representative of our great city. Like other fire departments across the country, FDNY firefighters tend to be disproportionately comprised of white men despite white men making up less than a quarter of New York City's population. 76 percent of our firefighters are white, only 8 percent are black, 13 percent are Hispanic, and just 2 percent are Asian. Worse is that only 139 of the 11,000 firefighters at FDNY are women, making up a meager 1 percent of the ranks. The lack of diversity within the Department isn't new,

2 but it is persistent and this Council remains
3 committed to efforts that ensure progress towards a
4 diverse FDNY. That's why we've convened an oversight
5 hearing and are seeking to enact new laws. Despite
6 previous efforts to boost diversity, there is much
7 more work that has to be undertaken, and these bills
8 fortify that effort.

9 It is crucial that the city's
10 firefighters and all of our workforce are reflective
11 of New York City's population. This is why we're
12 announcing a package of bills to confront this
13 persisting inequity. My bill, Introduction 516, would
14 require the FDNY to develop and implement a plan to
15 ensure that firefighters are reflective of the
16 racial, ethnic, and gender demographics of our city.
17 Under this bill, the FDNY would also be required to
18 annually report on its efforts to recruit and retain
19 female firefighters and firefighters of diverse
20 racial and ethnic backgrounds and project increases in
21 their percentages of the force.

22 In addition to my bill, we will also hear
23 legislation by my Colleagues that aim to address this
24 critical issue in different ways. These bills help
25 foster improvement by ensuring gender-appropriate

workplaces for all firefighters, requiring ongoing diversity equity inclusion training, and increasing transparency on demographics and equal employment opportunity complaints within the Department. We know that the culture within our agencies must foster an inclusive environment in order for diversity to be achieved. Yet, far too often, we've heard troubling stories about incidents that are the opposite and downright hostile to diversity in FDNY. That is unacceptable and something our city must clearly address and eradicate or else the ability to diversity, which should be our united goal, will be undermined. We cannot, cannot ignore these injustices and as leaders in this historically diverse and women-majority Council, we are prioritizing solutions to these persistent problems of inequity. This is an issue of not only equity and justice but one of fundamental safety for all New Yorkers. The credibility of our agencies is connected to their being reflective of those they serve and the FDNY is a pivotal agency to public safety. I look forward to hearing from feedback on this issue, testimony from the Administration, advocates, and the public. Again, I extend my sincere thanks to all who have made

2 today's hearing possible and have taken the time to
3 join us so that we can work together to finally
4 making significant strides to diversify New York
5 City's firefighters.

6 I now turn it back over to Chair Ariola.

7 CHAIRPERSON ARIOLA: Thank you, Madam
8 Speaker. I'd also like to note that Council Members
9 Hudson, Riley, and the former Chair of Fire and
10 Emergency Management and now Minority Leader Joseph
11 Borelli have joined us.

12 There will be opening statements
13 regarding their bills by Council Member Riley and
14 Williams. The Chair recognizes Council Member Kevin
15 Riley.

16 COUNCIL MEMBER RILEY: Thank you, Chair.
17 Today, we build trust and strengthen relationships
18 when the entire community can see themselves and
19 those who serve and protect them on a daily basis.
20 Ensuring there's true representation, diversity, and
21 inclusion in our city Fire Department is vital to
22 staying true to our commitment to advocate for our
23 underserved New Yorkers. However, true equity relies
24 on more than just the representation and the
25 diversification of members and staff. Equity

1 identifies the flaws in our system and creates a plan
2 for the protection of all FDNY workers. In this
3 historical diverse and women-majority City Council,
4 it is extremely important that we push this
5 legislative package that demands ethnic and gender
6 diversity. As part of this initiative, I introduce
7 two pieces of legislation today in partnership with
8 Bronx Borough President Vanessa Gibson that brings
9 transparency and accountability to encourage
10 inclusivity in the department of workplace culture.
11 Intro 552 calls for the annual report of the
12 demographic of the Fire Department on the members at
13 the firehouse. Intro 553 will require ongoing
14 training on diversity and inclusion and harassment
15 for all Fire Department members and staff. I
16 encourage and support that Intros that I'm
17 introducing today and the entire firefighter
18 diversity and inclusion bill package. I am grateful
19 for the partnership of my Colleagues who are
20 sponsoring these bills and make a mark on our city's
21 history for real advocacy and equity. Thank you,
22 Chair Ariola.
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24
25

2 CHAIRPERSON ARIOLA: Thank you, Council
3 Member. The Chair now recognizes Council Member
4 Nantasha Williams.

5 COUNCIL MEMBER WILLIAMS: Thank you. As
6 Chair of the Civil and Human Rights Committee, I am
7 committed to ensuring that all New Yorkers have
8 access to a safe and equitable workplace and that are
9 not discriminated against. Intro number 560, which
10 you've heard from Chair Ariola, would require the New
11 York City Fire Department to report on complaints
12 filed with the Department's Equal Employment
13 Opportunity Office regarding potential violations of
14 the city's Equal Employment Opportunity Policy. This
15 report must be submitted no later than 30 days after
16 the end of each fiscal year and would include
17 information about the number of complaints that
18 resulted in corrective action taken by the Fire
19 Department. It will be given to the Mayor, the
20 Speaker of the Council, and posted on the
21 Department's website. This piece of legislation will
22 provide much needed transparency around employee
23 complaints and will allow for more accountability and
24 oversight by stakeholders ensuring that these
25 complaints are resolved promptly and equitably. A

2 diverse workforce allows for more innovation than a
3 homogenous one because diverse teams tend to
4 represent a wide variety of perspectives. They're
5 often better equipped to solve problems than teams
6 composed mostly of people with similar backgrounds or
7 experiences. Equal employment opportunities are
8 crucial to the success of any agency and
9 organization. Without them, we would be unable to
10 attract and retain the best talent. In addition, by
11 providing equal employment opportunities you can
12 ensure that all aspects of an organization are
13 operating at their peak potential as well as
14 increased productivity and morale.

15 I am proud to have introduced this bill,
16 and I want to thank my Colleagues who have co-
17 sponsored the bill. I encourage other Colleagues to
18 sign on. I also want to thank Chair Ariola for
19 conducting this crucial hearing and Speaker Adrienne
20 Adams for her continued leadership. Thank you.

21 CHAIRPERSON ARIOLA: I will now hand the
22 mic back to our Counsel, Josh Kingsley.

23 COMMITTEE COUNSEL KINGSLEY: Thank you,
24 Chair. I will now be swearing in members of the
25 Administration to testify. From the FDNY, we have

2 Fire Commissioner Laura Kavanaugh, we have Assistant
3 Commissioner Don Nguyen, Chief Malcolm Moore,
4 Assistant Commissioner Nafeesah Noonan, Chief John
5 Hodgens, and Deputy Commissioner Lizette Christoff.
6 I'm going to swear you all in. If you could raise
7 your hand and repeat after me. You could just affirm
8 the following.

9 Do you affirm to tell the truth, the
10 whole truth, and nothing but the truth in your
11 testimony before this Committee and to respond
12 honestly to Council Member questions?

13 ADMINISTRATION: (INAUDIBLE)

14 COMMITTEE COUNSEL KINGSLEY: Thank you.
15 You may begin. Go ahead.

16 FDNY COMMISSIONER KAVANAUGH: Thank you,
17 Chair and Speaker and all the Council Members
18 present. I could not agree more with the sentiments
19 shared here this morning.

20 In the interest of getting right to the
21 heart of the matter that I think we all care so much
22 about and in particular discussing these important
23 bills that we support, I'm actually not going to read
24 my lengthy testimony that you all have in front of
25 you and I've already submitted. I'd actually like to

1 start a conversation about the bills if that's okay
2 with everybody present.

3
4 I'd just like to say something briefly
5 which is that I joined the FDNY in the wake of the
6 Vulcan lawsuit a few years ago. That commitment to
7 diversifying the Department has been at the heart of
8 my work every step of the way and in every role I've
9 held at the New York City Fire Department. I know
10 very much personally the cost of speaking out about
11 racist and sexist acts in the FDNY as I have done so
12 myself and experienced that. That doesn't mean I know
13 what our firefighters and EMTs feel like working in a
14 firehouse, but it does mean that I believe them and
15 that this work is extraordinarily personal to me. I
16 know that working together we can get this done.

17 I'd also like to say the New York City
18 Fire Department is the most extraordinary
19 organization that I have ever encountered in my 20
20 years of work in government and politics. There is
21 nothing that I have ever seen that we cannot do if we
22 do together. That is fundamentally at the heart of
23 the New York City Fire Department that with all the
24 difficult work they do, they do because they do it as
25 a team. I know that the vast, vast majority of our

2 members are there for their brothers and sisters and
3 have no tolerance for this sort of behavior. The few
4 that do commit racist or sexist acts or remarks will
5 not be tolerated in my administration, and I truly
6 believe we are at a unique point to have a supportive
7 Council, to have supportive advocates who sit behind
8 me, to have a team that is representative that works
9 with me, and to have a Mayor who has served in
10 uniform and has fought against discrimination in a
11 uniformed agency. I believe we are at a unique point
12 in which we have the tools to truly push forward and
13 get a lot done, and I cannot wait to do it together,
14 working with everyone in this room from our advocates
15 to the members to the union to the Mayor's Office. I
16 am very much looking forward to progressing together
17 and so I'd love to dive right into your questions and
18 the bills at hand.

19 CHAIRPERSON ARIOLA: Thank you, Acting
20 Commissioner Kavanaugh. The Fire Department and the
21 City have been sued multiple times relating to their
22 hiring practices for women and minorities. When did
23 the Fire Department first allow women to serve as
24 firefighters?

2 FDNY COMMISSIONER KAVANAUGH: Women were
3 allowed into the Department in 1981 as the result of
4 a lawsuit.

5 CHAIRPERSON ARIOLA: When did the Fire
6 Department become racially integrated? Was this as a
7 result of the court action or was it something that
8 was voluntarily taken on by the Department?

9 FDNY COMMISSIONER KAVANAUGH: There are
10 black firefighters who have made their way into the
11 Department over a century ago. They I would say I
12 have fought their way into the Department. The most
13 well-known is Wesley Williams who was the first
14 person to rise through the ranks and was also the
15 founder of the Vulcan Society, but in terms of I
16 think what you're getting at and whether or not those
17 numbers actually grew, those were as a result of
18 lawsuits beginning in the '70s, a series of lawsuits
19 that actually grew the number of black firefighters
20 substantially as opposed to individual firefighters
21 who had fought their way in earlier in earlier
22 decades.

23 CHAIRPERSON ARIOLA: You mentioned the
24 Vulcan Society, so the Fire Department hiring process
25 is currently under federal receivership or monitor

1 because of one of the findings from one of the
2 lawsuits that was put in by the Vulcan Society so as
3 a result of that ruling, what specific components of
4 the Fire Department exam and hiring process has been
5 changed?
6

7 FDNY COMMISSIONER KAVANAUGH: It's quite
8 substantial. The monitorship covers everything from
9 the initial entry level exam through to their time at
10 the Fire Academy and their placements actually when
11 they leave the Fire Academy. Every single stage in
12 that process which we can into, it's quite extensive,
13 from the written to the physical to the hiring
14 process in terms of various evaluations, their
15 medical examination, a background check, every single
16 step of that process is subject to the monitorship
17 and every single step in that process has been looked
18 at and changed over the course of the eight or so
19 years that we have been under monitorship and we
20 continue with that process, we meet with the monitor
21 quite often, weekly, monthly, quarterly, and we
22 review each of the stages of those processes and
23 actually look for continued improvements at every
24 step.
25

2 CHAIRPERSON ARIOLA: Okay, and is there a
3 contemplated end date for the court monitorship and
4 who must agree to the decision when that would be
5 terminated?

6 FDNY COMMISSIONER KAVANAUGH: There is not
7 at this time, and that is ultimately Judge Garaufis'
8 decision.

9 CHAIRPERSON ARIOLA: I'm sorry. I didn't
10 hear you.

11 FDNY COMMISSIONER KAVANAUGH: There is not
12 at this time, and that is ultimately the decision of
13 Judge Garaufis who is the judge overseeing the case
14 who appointed the court monitor.

15 CHAIRPERSON ARIOLA: When talking about
16 diversity, and we do this at all our hearings and
17 diversity is a major topic for this Council and for
18 the Administration, so I know that the FDNY had made
19 strides to create two positions and they were asked
20 as part of the 2014 federal settlement to create two
21 positions, one, a Chief Diversity, and another, an
22 Inclusion Officer as well as a Diversity Advocate.
23 How far along are we on those hirings?

24 FDNY COMMISSIONER KAVANAUGH: We have had
25 a CDIO and a Diversity Advocate in place since the

1 lawsuit was settled. We've had a few people in each
2 of those positions. The Diversity Advocate position
3 actually formally turns over every two years and then
4 the CDIO is an executive position and so it's
5 replaced as people leave or as administrations turn
6 over. Currently, we have a Diversity Advocate serving
7 in that role. His name is Lieutenant Logan. He works
8 primarily at the Fire Academy with our probationary
9 firefighters which is the primary role of the
10 advocate although there are some other things the
11 Advocate does speak to and we have an interim CDIO
12 right now who has been serving since the last CDIO
13 left the end of the last administration and we have
14 actually hired a permanent CDIO who is scheduled to
15 start on November 1st but has been in active
16 conversations with me around the plans for what he is
17 going to enact when he gets here.

18
19 CHAIRPERSON ARIOLA: Okay, and what would
20 the job description for each of those positions be?

21 FDNY COMMISSIONER KAVANAUGH: The Chief
22 Diversity and Inclusion Officer is a Deputy
23 Commissioner level title which means they sit on the
24 executive leadership staff, they report directly to
25 me as Fire Commissioner, and they have a much broader

2 role. There are some technical compliance roles that
3 fall under their position, but they also have a broad
4 role among the entire executive staff, uniform and
5 civilian, for evaluating and weighing in and
6 consulting on where changes should be made anywhere
7 in the Department. That's sort of a C-suite role as
8 you might call it.

9 The Diversity Advocate is a uniform
10 position so right now we have a Fire Lieutenant who I
11 believe is here in this room, Lieutenant Logan, and
12 their role is primarily around working with the
13 probationary firefighters and giving the Commissioner
14 and the other senior staff feedback on how things are
15 going at the Academy, what things can change, the
16 specific concerns of probationary firefighters, and
17 helping to advocate for them in the process as they
18 move through the Academy and as they are placed into
19 their firehouses upon graduation.

20 CHAIRPERSON ARIOLA: I think it's
21 important for the record to reflect that there has
22 been a Chief Diversity Officer hired. They were
23 unable to testify here with us today because their
24 start date has not begun so I appreciate you really
25 describing each of what the job descriptions are.

2 FDNY COMMISSIONER KAVANAUGH: Yeah, I
3 would really like each of you to meet him. He's a
4 really incredible candidate and has both an extensive
5 uniform experience as well as extensive academic
6 experience in firehouse culture specifically. Those
7 are two things we have never had in that role before,
8 and I think they are incredibly important because I
9 think as many of you have referenced and we'll talk
10 more the unique culture in the firehouses often is
11 something that really only someone in uniform can
12 understand and work to change and I think he's going
13 to be a really incredible resource for the executive
14 team. He will be here prior to the first even though
15 that's his official start date. I have been working
16 with him and I'd love to have him sit down with each
17 of you to discuss his vision.

18 CHAIRPERSON ARIOLA: We look forward to
19 having him come before us. What steps have the Fire
20 Department undertaken to improve its recruitment of
21 the underrepresented groups?

22 FDNY COMMISSIONER KAVANAUGH: I will say
23 something briefly and then it pass it over to our
24 Assistant Commissioner for Recruitment and Retention,
25 Nafeesah Noonan, but the Fire Department has

1 undertaken the single most extensive recruitment
2 campaign of any fire department around the country.
3 We have consulted with our counterparts. In part, we
4 were able to undertake such an extensive recruitment
5 effort and analysis because the court monitorship and
6 the Mayor's Office gave us the resources to do that
7 and two of the tenets that we really came at that
8 with was, one, that we needed to get data away from
9 that so the numbers were not enough unless we
10 understood what was working and what wasn't so that
11 we could prepare for all future recruitment
12 campaigns, and also ensuring that we reached every
13 neighborhood of the city and that we were really
14 talking to New Yorkers about the benefits of this job
15 that so many people on the job know about so those
16 efforts were really extensive, well over 10 million
17 dollars was spent on that effort. We had huge, huge,
18 historic percentage increases in the numbers of
19 diverse candidates applying. We had the first list
20 that was majority non-white men in the history of the
21 Department, and I will let Commissioner Noonan speak
22 a little bit more about what that took to get there.
23
24
25

2 CHAIRPERSON ARIOLA: And you have actual
3 budgetary commitments towards this recruitment,
4 right?

5 FDNY COMMISSIONER KAVANAUGH: Yes, we
6 recruit every four years and so our budget is
7 generally set up to put the majority of the resources
8 in the recruitment year which is a function of Civil
9 Service, the every four-year schedule.

10 FDNY ASSISTANT COMMISSIONER NOONAN: We
11 have seen quite historic numbers for filers, but we
12 have noticed some attrition as candidates move
13 further through the process. We've seen some drop-off
14 as they pass the exam, also drop-off as they become
15 reachable. We had over 42,000 candidates actually
16 take the exam but not all of them are going to be
17 within reachable averages. My office spends a lot of
18 time focusing on attrition mitigation throughout the
19 process so once a candidate passes the exam, they
20 have to go through the candidate physical ability
21 test, which we know is the highest point of attrition
22 for all candidates, over 50 percent, so we offer a
23 training program that goes between 8 and more than 12
24 at this point, I want to say this time around we're
25 probably holding the longest training program we've

1 held ever because we've had quite a bit of delay due
2 to the pandemic. We haven't had a CPAT exam, which is
3 the physical exam, for firefighters for about three
4 years now. That is out the FDNY's control. That is
5 based on what happened with the pandemic and DCAS and
6 now it actually is in the hands of the Judge and
7 giving us the approval to move forward with the CPAT
8 exam. Offering training to make sure that the
9 candidates are prepared for the CPAT exam when it
10 comes up, looking at analysis that we've spent quite
11 a bit of time going through over the last two years
12 to understand what it takes for a candidate to pass a
13 CPAT exam, for men five training sessions at the
14 academy, for women seven, and being very specific and
15 communicating those goals to the candidates. Opening
16 up a candidate portal is something that we've done
17 recently as well which is a portal to give more
18 transparency to candidates. The ability for a
19 layperson to come into civil service and go through
20 the process to become a firefighter can be difficult,
21 can be challenging. There's a lot of steps and so
22 making sure that they have the resources at their
23 fingertips and that they know how important it is to
24 utilize those programs. Going back to the fitness

2 element of it though, the Department has, in addition
3 to its CPAT training, we've started a stairmill
4 training program which is one of the evolutions as a
5 part of the CPAT exam, and what we know is that most
6 candidates that fail, fail at that portion, and that
7 is something that we've learned recently. We've
8 developed the stairmill training program, and we're
9 offering it now to candidates that are a part of the
10 group that is going to be taking their CPAT exam
11 coming up. Communicating to that group how important
12 it is to participate in CPAT training, participate in
13 stairmill training and then taking it a step further
14 and partnering with the New York City Parks
15 Department, some of the rec centers that have
16 stairmills available, we are sending them weighted
17 vests so that candidates can go to a location that's
18 maybe even closer to their homes and practice on
19 their own in addition to practicing with us. That's
20 one of the portions, and we know it's the highest
21 point of attrition so we do put a lot of focused
22 efforts into making sure candidates understand how
23 important it is to be physically fit. It's also
24 important for us to give them measurable goals and to
25 understand how long they have to maintain that peak

2 physical fitness so that's a part that we're working
3 on with the court monitor because we don't
4 necessarily have full control over when the exam will
5 be administered this time around. The delay over the
6 last several years has been a challenge for us, and
7 we're hoping to be able to build from additional
8 focus groups, additional surveys to candidates that
9 have attritted, to women that have attritted to be
10 able to speak better to how we can service them
11 better within our programs.

12 CHAIRPERSON ARIOLA: Thank you. The FDNY
13 has agreed to provide opportunities to high school
14 and college students to help them pursue careers as
15 firefighters. Can you just describe how the
16 Department has undertaken this effort with CUNY and
17 the DOE and has there been a lot of engagement?

18 FDNY ASSISTANT COMMISSIONER NOONAN:
19 There's been a lot of engagement. Of course, over the
20 last couple of years it's been a bit challenging
21 because most of it was virtually so we're back in a
22 space where we're comfortable, where we're able to go
23 into the schools and into the colleges and into the
24 high schools, but once those interests give us their
25 information, we have the ability to communicate with

1 them. We're inviting them to mobile academies that
2 we're having in locations that are close by them so
3 that they can do some physical fitness things with
4 firefighters or recruiters that are on staff, they
5 can ask key questions. Once an opportunity comes up
6 for the application period, we bring them in to help
7 them with the application. We also find it very
8 important and data has shown that candidates that
9 have taken our tutorial program, which is a program
10 that we put in place to make sure that candidates are
11 informed about what the exam is going to look like
12 and they know what's important to complete, they're
13 getting refreshed about their reading skills, their
14 math skills that may be required, and that's
15 something that we know we need to push even harder
16 for for the next campaign because we already see the
17 results. Those diverse candidates that participated
18 in those programs have a much higher likeliness of
19 being amongst the reachables. Again, using the data
20 that we found to tweak programs, to put more funding
21 into those resources is pretty much what we're doing.
22 It's really a data-driven effort and not so much
23 based on what we assume. We're looking at the data
24 and the responses from the candidates.
25

2 FDNY COMMISSIONER KAVANAUGH: I'd also
3 like to add one thing if you don't mind, that we've
4 talked a lot about fire safety education in these
5 hearings before and with a lot of Members I'm sitting
6 in front of, and one thing I'd really like to
7 emphasize, something we learned early and often in
8 our focus groups many years ago with recruiting is
9 that the knowledge about the job and seeing someone
10 who looks like you in the job is one of the more
11 powerful ways to change the minds of young people in
12 the city about whether or not this is a career for
13 them so we see not just events that are specifically
14 for recruiting but especially events where we are
15 sending diverse firefighters into city classrooms to
16 be actually just as powerful long-term recruiting
17 tools as they change the nature of what young people
18 think of the job and whether or not it's available to
19 them. I just continue to emphasize, I know all of you
20 welcome our fire safety educators in, but to
21 emphasize that that is also a recruiting effort in
22 and of itself by letting young people see that the
23 nature of the job and the face of the job is
24 changing.

2 CHAIRPERSON ARIOLA: Thank you. Actually,
3 your comprehensive answer answered my next question
4 so I am going to now yield the mic to the Speaker
5 Adrienne Adams.

6 SPEAKER ADAMS: Thank you, Chair. Acting
7 Commissioner, always great to see you. Welcome and
8 welcome to your team as well.

9 Let's stay on the subject of recruitment
10 for a second. What neighborhoods are targeted for
11 your recruiting methods?

12 FDNY COMMISSIONER KAVANAUGH: We target
13 the most diverse neighborhoods, especially we look
14 at, as I think many of you know, you have to be
15 between 21 and 29 to come on the job so we actually
16 break down the census data with that age as well and
17 then look at the most diverse census tracts that have
18 age-eligible candidates. I don't know if Nafeesah
19 would like to add anything.

20 FDNY ASSISTANT COMMISSIONER NOONAN:
21 That's true, and we have to look at what's changing
22 as well, like these neighborhoods do change so we try
23 to keep up with that trend as well. Before we're
24 attending events, we're looking at what the
25 population is at that event. We also rely on our

2 community members, the partners, to let us know if
3 we're missing anything, right, but once we're in a
4 campaign we get so granular. We work with our
5 Management Analysis and Planning Team and they
6 actually develop heat maps for us and they layer on
7 top of those heat maps the EOI interests that we've
8 actually accumulated thus far and if there are
9 pockets of areas where we're seeing more black, more
10 Hispanic, more Asian candidates and we're not
11 saturating them it does help us to pivot and better
12 represent that area so that we can collect the
13 interest of those people that may be interested in
14 becoming firefighters. I would say both, working with
15 our partners, working with our internal teams,
16 looking at the data as well to make sure that we're
17 collecting the interest that we want to recruit to
18 continue to diversity.

19 SPEAKER ADAMS: Thank you. Do you actively
20 recruit outside of the five boroughs, and, if so, how
21 often does that recruitment take place?

22 FDNY ASSISTANT COMMISSIONER NOONAN: We
23 primarily recruit inside the five boroughs. I would
24 say for EMS members, we may do more recruitment
25 outside. For instance, there was a program that

2 happened over the weekend for a HBCU at the Met Life
3 Stadium and we were absolutely there because we know
4 it's important to be at a location where young black
5 men and women across the city and maybe across the
6 state know that there's a place for them at the FDNY
7 so I'm eager to see how well that event went when I
8 get back into the office but that would be an
9 opportunity where we feel like we have to leave the
10 five boroughs because there's an opportunity for us
11 to meet college-bound students or students that are
12 in college or alumni that can help us to spread the
13 message that the FDNY is interested in them.

14 FDNY COMMISSIONER KAVANAUGH: We also
15 recruit veterans and occasionally those events are
16 outside the city the as well. We often go to where
17 they are and talk to them about their post military
18 life and they have the Fire Department as an option,
19 but, otherwise, the majority of what we do is in the
20 five boroughs.

21 SPEAKER ADAMS: Great. Thank you. Why is
22 citizenship a prerequisite to joining FDNY?

23 FDNY COMMISSIONER KAVANAUGH: I think
24 that's a question for the Law Department. I do not
25 know the answer to that.

2 SPEAKER ADAMS: Okay. All right. Generally
3 speaking then, how long does it take to get from
4 applying to take the civil service exam to being
5 hired as a firefighter?

6 FDNY COMMISSIONER KAVANAUGH: It's very
7 extensive. It depends how close to a recruiting cycle
8 you are so, for instance, if the test was being given
9 this year and you took it and you scored very high
10 and you were towards the top of the list, you might
11 be looking at a couple of years. If say the test had
12 just been given and you now have to wait another four
13 years for it to be given again and you scored high
14 but slightly lower down on that list you might be
15 waiting up to six years and so it is a really
16 extensive process, and one reason Commissioner Noonan
17 was talking about all the programs we do in between,
18 many, many, many of those programs are to try to hold
19 interest in those intervening years because it can be
20 such a lengthy process between when you first talk to
21 us about the job and when the test is actually given
22 and then you actually come off that list.

23 SPEAKER ADAMS: Thank you. I think
24 Commissioner Noonan touched on it, but the prep
25 courses that are available, talk to us a little bit

2 about the preparation courses available to
3 firefighter applicants for the various steps of the
4 process.

5 FDNY ASSISTANT COMMISSIONER NOONAN: Once
6 a candidate is called for the CPAT, they have access
7 to a mentor so we have our mentorship program which
8 we feel is key. For those candidates that are not
9 traditional members that don't have family on the
10 job, they have the opportunity to be partnered with a
11 veteran firefighter that can help them understand the
12 culture and also they're trained in understanding the
13 basics of the hiring process. They are get a mentor,
14 they are invited into the CPAT training program,
15 which is a program that's going to prepare them and
16 them to excel and pass the CPAT exam. We have the
17 stairmill program which is something newer that we've
18 introduced to pinpoint the area of the CPAT that many
19 candidates tend to attrit so we have the CPAT
20 training program. Once you pass the CPAT exam, we
21 have the physical awareness program which is a
22 program to help you maintain that fitness so that
23 you're not falling off, you're not gaining weight and
24 you're preparing to go into the Fire Academy. For
25 candidates that are not going into their next cycle,

1 they continue to go into the fitness awareness
2 program, possibly for two or three cycles, before
3 their list number is reached and they're eligible to
4 go onto the next class. Again, to go back, once
5 candidates are called for CPAT, they're also given
6 access to the candidate portal. That candidate portal
7 also gives them access to a tracking process so they
8 can see where they are, have you completed CPAT, okay
9 you have completed CPAT, are you within the
10 background hiring, have you completed your intake,
11 have you completed your medical, have you completed
12 your run, to keep candidates focused and encouraged
13 for the next step or the steps that they've
14 completed. There's a section for frequently asked
15 questions, there are video resources on that
16 application to help them to learn more about the
17 process, to take away that myth of I'm not sure what
18 it is, but it's still overwhelming. It's a lot of
19 information for people to absorb. There's also
20 information on there about the proby school manuals
21 that we encourage them to read so that they're more
22 prepared to go into proby school because it's not
23 just physical, it's academic as well, and we are
24 encouraging them along the way to take those small
25

1 steps, to read a little bit, to at least read the
2 manual at least one time so that you're more prepared
3 when you go into the academy, and it's a drum that we
4 have to repeat because candidates, they're motivated
5 for points and then they're not, and we know it's so
6 essential to mitigating the attrition that these
7 candidates stay with us and stay motivated. Aside
8 from the fitness awareness program, we have the
9 resources of our coordinators, we have an African
10 American coordinator team, a team of women
11 coordinators, we have Hispanic coordinators, Asian,
12 and veteran coordinators, and in addition to the
13 resources that all candidates have these candidates
14 are getting outreach from our coordinator team so we
15 have women reaching out to these women candidates
16 that are on the list and pushing them and helping
17 them to understand what resources are available and
18 letting them know that they can reach out to the
19 affinity organizations and, if there's a program
20 available within affinity organizations, we will
21 communicate, we will text, we will email, we will
22 call them and make sure that they know what resources
23 are available to them. We know we can't do it alone
24 so we definitely rely on whatever other resources are
25

2 available, and many times that is resources from the
3 affinity organizations.

4 SPEAKER ADAMS: Thank you. I don't want to
5 assume but are there costs associated with prepping,
6 and, if so, how much?

7 FDNY ASSISTANT COMMISSIONER NOONAN: I
8 would say a majority of the costs are overtime costs,
9 and that's something that we look at and we build in.
10 The Department has been very supportive in terms of
11 making sure that even though there may be certain
12 restrictions they're looking at the needs of
13 recruitment and the timing of certain portions of the
14 campaign and making sure that we still are able to
15 hire those firefighters that are really dedicated to
16 the mission and we want to recruit and want to assist
17 us on the phones and want to assist us within all the
18 various programming so, like I said, the majority of
19 the cost is there but we haven't felt the impact or
20 we haven't felt the lack of support from the
21 Administration. We've been able to still continue to
22 do what we need to do.

23 SPEAKER ADAMS: What about the expense to
24 the candidates?

2 FDNY ASSISTANT COMMISSIONER NOONAN: There
3 are some expenses. Once they get further into the
4 process, the exam itself was 25 dollars I believe and
5 if you weren't working we were able to assist
6 candidates in waiving that fee. Once they start to go
7 through the process, there is a fee for processing
8 like fingerprinting and things like that, but we try
9 to communicate those fees to the candidates in
10 advance so if they are paying attention and that
11 information is also on the candidate portal so that
12 they know what to expect as they're getting closer to
13 the next stage in the process.

14 SPEAKER ADAMS: In addition to that, the
15 Academy takes about 18 weeks to complete. Are the
16 candidates compensated for the time?

17 FDNY ASSISTANT COMMISSIONER NOONAN: Yes.
18 They're sworn in maybe a week before, and they're
19 paid throughout the duration at the Academy.

20 SPEAKER ADAMS: Is there financial support
21 available to any candidate who may need it?

22 FDNY ASSISTANT COMMISSIONER NOONAN: I
23 think there is.

24 FDNY COMMISSIONER KAVANAUGH: There are.
25 We do have some foundation funds that are available,

2 not just to probationary members, to actually any
3 member who is experiencing particular difficulties.

4 SPEAKER ADAMS: Okay, that's good. I'm
5 going to ask a couple of questions about collecting
6 data and then I'm going to go into one final line of
7 questioning for you. In 2015, the City Council
8 enacted Local Law 49 that required the FDNY to
9 publish data on the demographics of applicants for
10 the firefighter's civil service exam. That data
11 provides information on how many applicants applied
12 and how many passed each step of the process. You
13 talked a little bit about this in your opening, but,
14 after analyzing the data, what conclusions have you
15 come to in regards to where there might be issues
16 with non-white or female applicants actually dropping
17 from the process?

18 FDNY COMMISSIONER KAVANAUGH: I'll speak
19 broadly and Nafeesah can talk about some of our
20 programs, but what we've experienced over the years
21 and this has been supported by some focus groups that
22 we did ahead of this recruitment campaign is that the
23 vast majority of places that we lose diverse
24 candidates are in the early stages and it's voluntary
25 attrition. Why we believe that is, as we've

discussed, it takes a very long time to become a firefighter and it often means having an alternative plan for those years that you're waiting and what we actually found, we did focus groups not only of diverse age-eligible members within New York City but we also did focus groups of our current firefighters, our traditional white male firefighters, and what we found is that the vast majority of them had been thinking about this job from an extraordinarily young age which meant that they had planned their career around that wait and so we actually found that with our recruitment efforts, the opposite of what you would typically think with recruitment was true in that most people believe that the person most recently recruited, if I recruited yesterday and the test is tomorrow, you'd be the most likely to persist. In fact, it's quite the opposite which is if I've been talking to you for five years you're more likely to persist through that process and we think that's in large part because previously it has been somewhat of an opaque process and it is just a very long one, it's a hard one for any young person to wait those years for this job unless they know the value of what's on the other end and they know how to

2 do something in between to support them and their
3 family, whether that's college or another career, and
4 so what we've found is that the longer we do this,
5 the more benefits we reap because we are helping to
6 instill that same early love of the job and proactive
7 planning for all candidates that are current
8 traditional candidates already have.

9 FDNY ASSISTANT COMMISSIONER NOONAN: I
10 would just say some of the challenges, they go back
11 to just making sure that the message is resonating
12 with the candidates. If we are telling you what's
13 required of you in order to pass the physical which,
14 like I said before, is the area where we see the most
15 attrition, in the early stages, trying to make sure
16 that that message is landing with these candidates.
17 We've also heard feedback from various focus groups
18 and surveys that candidates wanted to hear more from
19 us about how long it would take for us to reach them
20 so we've included communication within that to make
21 sure that we're telling candidates, once they're
22 called for their CPAT, how long we anticipate they
23 will take, is it going to be six months, is it going
24 to be the next fall that we think that they'll start
25 being called in for intake and processing and those

1 are benchmarks that candidates need so that they can
2 ramp up their fitness levels because they know that
3 once they start going into their background process
4 and they pass their medical, the chance of them
5 getting into that next class is really high and they
6 want to make sure that they're passing the entrance
7 run and that they're prepared to go onto the Academy,
8 the more physically fit they are, the more they can
9 focus on the academic portion of the Academy. I would
10 say the challenges that we find are just looking at
11 the data and finding creative ways to communicate
12 that and make sure that that message is resonating
13 with our women, with our black and Hispanic
14 candidates, our Asian candidates so even though we
15 may see at our CPAT training the percentage and the
16 turnout would be more black and Hispanic than white
17 candidates, those white candidates may have other
18 resources that they're using to get them to achieve
19 the goals that they want so we still know it's not
20 enough. It may be a higher percentage of black and
21 Hispanic candidates attending our sessions, but it's
22 not all of them. Still the majority of them are not
23 coming out so we're constantly trying to find ways to
24 tweak our messaging. We work with the Mayor's
25

2 Behavioral Science team pretty often. We met with
3 them prior to the last campaign, and we've
4 consistently met with them throughout the
5 administration of this exam, and we've made some
6 tweaks. We've implemented some new initiatives to get
7 to the hearts and minds of some of the candidates.
8 We've added a planning card that candidates can put
9 on their refrigerator so that they can check off how
10 many sessions they've attended, whether it's a hard
11 copy in your hand, an email, a text, even still we're
12 still finding challenges in getting those messages to
13 land and it's things that we just have to continue to
14 work on.

15 SPEAKER ADAMS: Okay. Let's stick there
16 for a minute and speaking about resources. Talk to us
17 about Legacy Credits, what that means, what your
18 typical percentage has been over the years when it
19 comes to Legacy Credits in the Department?

20 FDNY ASSISTANT COMMISSIONER NOONAN: I
21 don't know what the percentages are, but our highest
22 adjusted final average for this exam was 114 so above
23 residency points, the Legacy Credits is what will
24 come into play. Legacy and also the military and
25 veteran credits that candidates achieve. I am not

2 able to tell you exactly how many of those candidates
3 earned Legacy points at this point, but that's
4 something that we can get for you.

5 FDNY COMMISSIONER KAVANAUGH: I do want to
6 clarify, sometimes there's some confusion about this,
7 that Legacy Credits are given if a parent or sibling
8 died in the line of duty. It's not a legacy just
9 because your parent worked at the Department.
10 Sometimes there's some confusion about that. There
11 are thankfully not a very large number of folks
12 applying for Legacy Credits, but there are a number
13 at the top of each list when we do any recruitment
14 campaign.

15 SPEAKER ADAMS: Okay, and, finally, I just
16 want to touch on a subject that we have in this
17 package of bills pertaining to Intro 560 today. There
18 have been public reports, and my office has also
19 heard about troubling incidents of discrimination and
20 harassment against firefighters of color and women
21 including in my own home community of Southeast
22 Queens. I actually have someone who is as close a
23 family member that has actually been in the
24 Department for about four years or so and is now
25 aspiring to retire ranks right now. How does the FDNY

2 handle complaints individually and what is done to
3 assess and respond to patterns and practices that are
4 problematic in fostering diversity?

5 FDNY COMMISSIONER KAVANAUGH: I mentioned
6 at the top this is very personal and I take it very
7 seriously. I've undertaken since I came into this
8 position a significant look at our EEO cases as well
9 as some of our other disciplinary cases that have
10 overlap with EEO so, for instance, a negative climate
11 in a firehouse, even if it's not directly EEO related
12 is still not acceptable to me as Fire Commissioner,
13 and there are a number of reforms that we've made and
14 also just a number of cases that had been languishing
15 for some time that I took immediate action upon when
16 I got into this office, and I'll let our Assistant
17 Commissioner for EEO speak to some of the details.

18 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
19 you, Council Member, and good morning. Every time we
20 receive a notification of a complaint or a
21 notification of a mandatory reporter about a
22 potential EEO incident, we immediately triage it.
23 That includes speaking with the direct members
24 involved to figure out what the real-time situation
25 is on the ground. Depending on how egregious the

1 violation is or the potential violation, we might
2 need to take immediate action. What I've worked very
3 hard on in the last few years and what I think we've
4 been successful in is working very closely with
5 Operations in order to effectuate immediate remedial
6 measures on the ground before any further damage can
7 occur. Very often I will speak directly with the
8 Chief of Operations, the Chief of Department, or a
9 member within the chain of command directly so that
10 we can get a real sense of what's happening and take
11 any remedial measures necessary. Obviously, we have a
12 dialogue with the complainant or victim themselves if
13 they are reaching out directly to our office. There
14 are any number of ways that a person can reach out to
15 our office. That includes by a phone call, an email,
16 oftentimes my attorneys-on-duty who have a phone 24
17 hours a day receive a text message. We reach out to
18 that member as soon as possible so that we can get a
19 sense from them about what's happening and what's
20 going on. Again, so that we can formulate immediate
21 action if necessary. That can include any number of
22 things. If there needs to be some type of directive
23 directly to the respondent or the person who is
24 accused of wrongdoing, we might have a quick
25

1 conversation with that person to inform them that
2 there has been an allegation and that they are
3 expected to maintain professionalism in conformance
4 with the EEO policy. We may work with Operations so
5 that we can work with the chain of command to ensure
6 that the status quo is maintained in the meantime so
7 there's no further retaliation or discrimination. We
8 do not move or remove the victim or the complainant
9 themselves from their assignment in response to a
10 complaint. That has been very important to us that
11 the Department so that a person feels like they will
12 not be retaliated as a result of filing a complaint.
13 In some incidences, if a member does need to remove
14 themselves or if they've requested to be removed from
15 a situation, we have helped to facilitate that. Once
16 we get past that initial triage, a supervisor within
17 my office and ultimately myself will review the
18 specific facts of that case as we initially get them.
19 When we first receive a complaint, we just have one
20 side of the story in front of us. I review it. We
21 make a directive in terms of any immediate action. If
22 necessary, I brief the Chief of Department, Chief of
23 Operations, or the Fire Commissioner and ultimately I
24 assign that case to an attorney who will have that
25

1 case from beginning to end. That attorney will be
2 responsible for being the point of contact for the
3 stakeholders within that case and, in particular, the
4 victim or complainant. The attorney, in looking at
5 that case, must plan that case from beginning to end
6 so that we have a strategy in terms of determining
7 whether in fact there has been a violation of the EEO
8 policy. We take very seriously our obligation to
9 ensure that EEO violations or potential EEO
10 violations are investigated thoroughly and
11 efficiently so that investigation plan at the outset
12 will be submitted to myself within the first week of
13 the assignment of that case. I will review it. If
14 there are any edits or comments or modifications to
15 that, we will do that. For instance, the allegation
16 might include an alleged incident in which there were
17 five members who might've witnessed the hostile event
18 or the discriminatory event so we want to make sure
19 that we identify each of those five members, get
20 their contact information, and understand what it is
21 that we are seeking to get from each of these
22 members. If there's any potential evidence that needs
23 to be preserved or evaluated, we will take immediate
24 steps to reach out to the necessary members or
25

1 witnesses to obtain that evidence, and, of course, we
2 would get potentially a lot of that from the chain of
3 command as well. Once that investigation plan is
4 approved, I will track that case on a weekly basis
5 with each of the attorneys who are assigned a
6 caseload to ensure that the case is progressing as
7 efficiently and as thoroughly as possible. During
8 those meetings, I want to understand what are
9 witnesses saying, how is the evidence looking, are
10 there any barriers in terms of making the decisions
11 that we need to make at the end of the case because
12 we understand at the end of the day that this is not
13 only a compliance obligation mandated by federal,
14 state, and local laws but that these issues within
15 the workplace are extremely critical important for
16 the people who have to deal with them on a day-to-day
17 basis, whether they are a potential victim, a
18 respondent, the witnesses, the officers overseeing
19 it. I don't think it's a surprise to any Member on
20 this panel how closely our members work together and
21 how much of an effect an alleged perceived or real
22 EEO violation can have on the members that are
23 involved, and, not just the members involved, but the
24 other members within the house as well.
25

2 SPEAKER ADAMS: I'm going to yield back to
3 the Chair. Do you know how many complaints you had in
4 2021 and what you're trending right now in 2022?

5 FDNY ASSISTANT COMMISSIONER NGUYEN: That
6 are pending right now in 2022? In 2021, we received
7 76 complaints of alleged violations of the EEO
8 policy. Of that number, I don't have the exact number
9 that are still pending to this date. We do take
10 seriously our obligation to try to complete these
11 investigations as quickly as possible.

12 SPEAKER ADAMS: I'm going to assume that
13 nobody was fired though.

14 FDNY ASSISTANT COMMISSIONER NGUYEN: I'm
15 sorry.

16 SPEAKER ADAMS: I'm going to assume that
17 no one was fired, was terminated because of any
18 complaint last year, correct?

19 FDNY ASSISTANT COMMISSIONER NGUYEN:
20 Although I cannot speak specifically to specific
21 cases, I am aware of people who were terminated from
22 employment as a result of a finding of an EEO
23 violation.

24 SPEAKER ADAMS: Last year?

25 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes.

2 SPEAKER ADAMS: What about this year?

3 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes.

4 SPEAKER ADAMS: As well, this year?

5 FDNY ASSISTANT COMMISSIONER NGUYEN: I'm
6 sorry.

7 SPEAKER ADAMS: No, I'm just saying
8 terminated this year as well? Okay.

9 FDNY ASSISTANT COMMISSIONER NGUYEN:
10 Correct, yes. Most of our employees are civil service
11 employees and attendant with that is due process
12 protections so even when we substantiate a potential
13 violation of the EEO policy, that member is still
14 entitled to go through a disciplinary hearing
15 process. We do have an Investigations and Trials Unit
16 that handles the discipline. We do provide them with
17 a complete copy of the file as well as access to the
18 attorney. From there, that unit will handle any of
19 the disciplinary measures that result from our cases.

20 SPEAKER ADAMS: Okay. Thank you very much.
21 Thank you all for being here today and thank you for
22 your testimony today. Madam Chair.

23 CHAIRPERSON ARIOLA: Thank you, Madam. As
24 long as we're on the topic of complaints, are members

1 then cleared if the allegations are found to be
2 false?
3

4 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
5 you, Council Member, for the question. Commonly there
6 are three results from a complaint for a respondent.
7 The allegations, if the evidence supports by a
8 preponderance of the evidence that there was a
9 violation of the EEO policy, that would be
10 substantiated against them, and I refer back to the
11 process that I just discussed with Council Member
12 Adams in terms of referring that member to the
13 disciplinary process. The flip side of that is that
14 if the evidence does not support by a preponderance
15 of the evidence that an EEO violation occurred, the
16 EEO Office deems that unsubstantiated which would
17 mean that there was not enough evidence that made it
18 more likely than not that a complaint could be
19 proven. At the beginning of each case, the
20 complainant as well as the respondent each get a
21 letter from the EEO Office that details very
22 specifically what the allegations are at the
23 beginning and, at the end of it, what the findings of
24 the investigation were after all the evidence has
25 been obtained, the interviews have been held, the

1 report has been drafted, and submitted to the Fire
2 Commissioner. At the end of that, the respondent and
3 the complainant receive a letter that would state if
4 the claims against the respondent were substantiated
5 or unsubstantiated so in that sense the members would
6 understand and be informed that the complaint could
7 not be substantiated against them.

8
9 CHAIRPERSON ARIOLA: Okay. Would you know
10 how many false or unsubstantiated complaints were
11 made or how many you get annually? Let's just take
12 the last two years. We'll just take a snippet.

13 FDNY ASSISTANT COMMISSIONER NGUYEN: In
14 2021, we investigated 76 complaints. The Department
15 EEO Office substantiated 31 of them, and the
16 remainder of them were either unsubstantiated or
17 administratively closed.

18 In 2022, we still have a lot of cases
19 pending so these numbers are not going to be as up to
20 date. We had 44 total complaints so far. So far, 11
21 of them have been substantiated, only seven of them
22 have been unsubstantiated, and the remainder remain
23 pending.

24 In 2020, the EEO Office investigated, the
25 number's a little bit lower due to the pandemic,

2 there was a slight pause in our investigations at the
3 outset of the pandemic, but after we continued we
4 investigated 60 total complaints during 202, and we
5 substantiated 28 of them.

6 CHAIRPERSON ARIOLA: Sorry. 20 of them?

7 FDNY ASSISTANT COMMISSIONER NGUYEN: 28 of
8 them, and the remainder of those numbers would have
9 been unsubstantiated. Approximately 45 percent of the
10 cases that we investigate department-wide as
11 substantiated as EEO violations.

12 CHAIRPERSON ARIOLA: I really want to
13 thank you for having that information handy.

14 FDNY ASSISTANT COMMISSIONER NGUYEN:
15 You're welcome, Council Member.

16 CHAIRPERSON ARIOLA: Commissioner, we're
17 talking about diversity and building diversity within
18 the Department and outreach for diversity and women
19 so I'd like to ask a question. How has the vaccine
20 mandate affected the current members that are women
21 and people of diverse backgrounds and how many of
22 them have been terminated or have been put on leave
23 without pay?

24 FDNY COMMISSIONER KAVANAUGH: We have a
25 very small number who have been terminated.

2 Obviously, we don't like to see anybody terminated
3 but small in the perspective of our total members. I
4 believe it's 17 so it hasn't been a substantial
5 factor in diversity at this point. It remains to be
6 seen how those who are on leave without pay where
7 their cases may shake out. Many of them are still in
8 the appeal process so when that's complete, we could
9 give you the total number and the breakdown by race
10 and gender.

11 CHAIRPERSON ARIOLA: Great. Thank you. I
12 now turn the mic to our Counsel, Josh Kingsley.

13 COMMITTEE COUNSEL KINGSLEY: Thanks,
14 Chair. First, we'll hear from Council Member Riley,
15 Council Member Williams, and then Council Member
16 Powers.

17 COUNCIL MEMBER RILEY: Thank you, Counsel,
18 and thank you, Chair, again. Thank you, Commissioner
19 and to your team, for your testimony. The first
20 question I would like to ask is what is the current
21 demographic of racial and gender diversity within the
22 Fire Department?

23 FDNY COMMISSIONER KAVANAUGH: Currently,
24 our membership is approximately 72 percent white and
25 99 percent male on the Fire side specifically since

2 that's what we're speaking to today. Those are the
3 numbers I'm sharing. I should mention EMS is
4 significantly more diverse, but I think we'll get to
5 that.

6 COUNCIL MEMBER RILEY: Do you have that
7 number of diversity within EMS?

8 FDNY COMMISSIONER KAVANAUGH: I believe
9 it's approximately 30 percent women and approximately
10 50 percent non-white. Nafeesah may have the exact
11 numbers in front of her.

12 COUNCIL MEMBER RILEY: Okay. Is there a
13 language and ethnic background taken into
14 consideration when placing firefighters into a
15 firehouse after graduation?

16 FDNY COMMISSIONER KAVANAUGH: Not exactly,
17 but there is a portion of the Modified Remedial Order
18 which is part of the Vulcan lawsuit that was settled
19 which does give city residents their first choice of
20 assignment in the neighborhood or division that they
21 live and that does have an appreciable effect on
22 diversity in those neighborhoods because most of the
23 city applicants are quite diverse and they live in a
24 diverse neighborhood and that's often where they end
25 up being assigned.

2 COUNCIL MEMBER RILEY: Can you please talk
3 to the procedure of placement of firefighters in each
4 firehouse?

5 FDNY COMMISSIONER KAVANAUGH: Yeah, I'm
6 going to let the Chief of Department of speak to
7 that.

8 FDNY CHIEF HODGENS: Good afternoon. We're
9 talking about probationary firefighters graduating
10 the Academy?

11 COUNCIL MEMBER RILEY: Correct.

12 FDNY CHIEF HODGENS: There's a joint
13 effort that goes on. It's between Operations and the
14 EEO Office and also the Diversity Advocate. Each
15 probationary firefighter is given an opportunity to
16 choose three Divisions of which they prefer. If they
17 choose as their first Division, the Division where
18 they live, it's called the Home Division, that will
19 be the first preference for that candidate. That
20 assures that, as the Commissioner said, that we do
21 get more diversity in some of these neighborhoods
22 where they live. Beyond that, after we go through
23 that process, the entire list of candidates and where
24 they are going goes on to the EEO Office where it is

2 looked at for disparate impact and also I will let
3 Don get into the details on how that works.

4 COUNCIL MEMBER RILEY: Just for the sake
5 of time, Chair, if I may continue, just for the sake
6 of time, thank you. When you talk about displacement
7 and the reason I brought this up is because it was
8 brought to our attention that many firefighters who
9 are of color are placed in communities that there
10 really isn't a lot of fire activity, which they
11 aren't really pleased, so that's why I asked the
12 question so I just wanted to put that out there for
13 the record.

14 Speaking on EEO, as a part of the regular
15 drills performed in the firehouses, are the
16 firefighters required to do an EEO or a diversity
17 review during the year?

18 FDNY CHIEF HODGENS: Yes. Each year,
19 typically each firefighter reports to the Medical
20 Office for a physical once a year. At that physical,
21 they have EEO training as part of that day.

22 COUNCIL MEMBER RILEY: Is it enforced by
23 the officers or it's not?

24

25

2 FDNY CHIEF HODGENS: Yes. In fact, it's
3 required that they have that medical so they will
4 receive the training.

5 COUNCIL MEMBER RILEY: Okay. It has also
6 come to attention that a Chief Diversity Inclusion
7 Officer hasn't been chosen yet. Is there a plan to
8 choose a Chief Diversity Inclusion Officer by this
9 year, and, if so, is there a six-month work plan for
10 this officer when they are hired?

11 FDNY COMMISSIONER KAVANAUGH: We chose
12 them over the summer. Unfortunately, they just needed
13 a little bit of time to wrap up their work and so
14 they begin November 1st. I've already begun meeting
15 with him regularly and he is developing exactly that,
16 a six-month plan so that when he arrives he can hit
17 the ground running and he's an exceptional candidate
18 and I would really love for all of you to meet him
19 when he's here.

20 COUNCIL MEMBER RILEY: Thank you. What do
21 you see as the incoming top three goals for this
22 Officer?

23 FDNY COMMISSIONER KAVANAUGH: For the
24 CDIO?

25 COUNCIL MEMBER RILEY: Correct.

2 FDNY COMMISSIONER KAVANAUGH: I think
3 overwhelmingly the issues of climate that we're
4 discussing, they are among the most challenging. The
5 Fire Department as many of you know here is a very
6 unique culture and each firehouse is very unique.
7 There's also a very lengthy cultural norm of not
8 speaking out outside of the firehouse and that's what
9 makes Commissioner Nguyen's job particularly
10 difficult. It's not just with cases that come to us,
11 but it's often with the cases that never make it to
12 us or make it to us late so I would say that his
13 primary focus of his effort when he comes in, he,
14 himself, is a uniformed Chief so I think that helps
15 significantly, he also received his doctorate in this
16 exact issue, will be for him to have a multi-pronged
17 effort to tackle these issues in the firehouse and to
18 find a better way forward to ensure unit cohesion and
19 that we are really getting ahead of the issue, not
20 just waiting until cases come to us but trying to
21 find ways for early intervention, to identify
22 firehouses that may have an issue coming down the
23 road and to find alternative dispute methods,
24 especially in the cases where an EEO case is not
25 substantiated but that the investigation itself

2 raises significant issues about the management or
3 climate of the firehouse even if those don't fall
4 into the technical boundaries of an EEO case.

5 COUNCIL MEMBER RILEY: Chair, I just have
6 one more question. The Fire Department, do you guys
7 have an Explorer Program that's very similar to the
8 NYPD?

9 FDNY COMMISSIONER KAVANAUGH: We do, yes.

10 COUNCIL MEMBER RILEY: You do?

11 FDNY COMMISSIONER KAVANAUGH: We are
12 hoping to grow it. NYPD's is quite large. That's one
13 of our strategic goals for the future, but we do have
14 a program. We also have an FDNY high school as well.

15 COUNCIL MEMBER RILEY: Do you guys plan on
16 transitioning those cadets from the Fire Department
17 to the Fire Academy because I that would be an ideal
18 way to address the diversity within our communities,
19 so is there a strategic plan to actually take the
20 Explorers from that program to actually transition
21 them into the Fire Academy?

22 FDNY COMMISSIONER KAVANAUGH: Yeah, there
23 is. We actually have three. We call them pipeline
24 programs because they target youth early so that they
25 can be prepared and show interest in this career

2 early. Those are the Cadets, the Explorers, and then
3 the FDNY high school, and that is part of our
4 strategic plan is to increase all three of those
5 pipeline programs directly into the Academy.

6 COUNCIL MEMBER RILEY: Thank you,
7 Commissioner. Thank you, Chair.

8 COMMITTEE COUNSEL KINGSLEY: Thank you,
9 everyone. Next, we'll hear from Council Member
10 Williams followed by Council Member Powers. Also, I'd
11 like to recognize Council Member De La Rosa. Thank
12 you.

13 COUNCIL MEMBER WILLIAMS: Thank you. I
14 just have a few questions on recruitment. You
15 mentioned partners. Can you talk about who your
16 partners are because you said something about you
17 rely on your partners to inform you so can you talk
18 about who your partners are?

19 FDNY ASSISTANT COMMISSIONER NOONAN: I may
20 have been talking as it relates to community
21 partners, which is vast, whether it be schools or
22 colleges or various community organizations that
23 target black, Hispanic, Asian, women communities,
24 that would probably be what I meant. If I was talking
25 about partners in terms of data, we work with KPMG,

2 we work with Ideas42 which is the Mayor's Behavioral
3 Design team, and also our internal data and
4 statisticians.

5 COUNCIL MEMBER WILLIAMS: Okay, and now
6 I'll move to just some questions on the bill and just
7 wanted to make a quick, quick comment and statement
8 that I do hope that the Chief Diversity Officer
9 actually has teeth because oftentimes, I'm sensitive
10 to tokenism, we put people in these positions but
11 they really don't have the power to change what's
12 actually happening inside of particular organizations
13 so I do hope that he is deputized to make the change
14 that you said you wanted to see, Commissioner, when
15 he is fully onboard.

16 A few questions about Intro 519. How
17 often are female bathrooms inspected by the company
18 officers?

19 FDNY COMMISSIONER KAVANAUGH: I just want
20 to speak to that first part. I could not agree more.
21 One of my first conversations with our new CDIO was
22 that I wanted him to be part of the entire executive
23 leadership team and not simply be siloed to a
24 particular realm of diversity work and I think that's
25 a lot of where that tokenism comes in. Women and

2 people of color are brought into leadership positions
3 but then only expected to work on a single item and
4 it was made very clear to him on the outset that he
5 will be part of our leadership team. He will be in
6 all of our meetings, and one thing that will help is
7 hopefully he identifies other areas, other blind
8 spots that we're not seeing outside of specific
9 diversity programs where changes could be made so I
10 could not agree more. I will have Commissioner Nguyen
11 speak to the firehouse and bathroom inspections.

12 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
13 you, Council Member Williams. Prior to the pandemic,
14 the EEO Office conducted annual inspections of all
15 firehouses and EMS stations.

16 COUNCIL MEMBER WILLIAMS: Annually? Every
17 year?

18 FDNY ASSISTANT COMMISSIONER NGUYEN: Prior
19 to the pandemic, yes. The pandemic interrupted that
20 for quite a bit.

21 COUNCIL MEMBER WILLIAMS: Okay, so since
22 the pandemic, how often have you inspected the
23 bathrooms?

24 FDNY ASSISTANT COMMISSIONER NGUYEN: Once
25 a week or once every couple of weeks, mostly because

2 we're devoting a lot of our time to our
3 investigations right now.

4 COUNCIL MEMBER WILLIAMS: Sorry. In the
5 interest of time, because I think you answered. Can I
6 ask you another question, like a followup to that?

7 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes.

8 COUNCIL MEMBER WILLIAMS: Okay. We
9 understand that there's keys to the women's bathroom.
10 How does the company officer secure the key to the
11 women's bathroom so that only those members permitted
12 to use the facilities have access?

13 FDNY ASSISTANT COMMISSIONER NGUYEN: I'm
14 sorry.

15 COUNCIL MEMBER WILLIAMS: How do you
16 ensure the safety of keys to bathrooms and ensure
17 that only those who are permitted have access?

18 FDNY ASSISTANT COMMISSIONER NGUYEN: I'll
19 yield the floor to Chief Hodgens, but the officer on
20 duty is responsible for holding that key for
21 safekeeping and is only to hand it out upon the
22 proper circumstances, and I'll yield the floor to
23 Chief Hodgens.

24 FDNY CHIEF HODGENS: Yes, the key is
25 secured by the company officer. They're the only ones

2 that have a key. Each female firefighter has their
3 own key, and that's the way that they get into it,
4 and their key works in every firehouse. It's a
5 standard key so if they're detailed to another
6 firehouse they still have their key that they can go
7 into any female bathroom.

8 COUNCIL MEMBER WILLIAMS: Okay.
9 Commissioner, does the EEO Office check for the
10 placement of the key during the inspection of the
11 house? Do you check for the key?

12 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes,
13 we check for the security of the female bathroom and
14 we ask the officer to see a copy of the key.

15 COUNCIL MEMBER WILLIAMS: Okay. I'll turn
16 my questions to 560. When a member files an EEO
17 complaint, we kind of asked this already, and I was
18 actually just trying to get clarity, are they removed
19 or is it they're not removed because you said
20 something, is it an option?

21 FDNY ASSISTANT COMMISSIONER NGUYEN: As a
22 policy, we do not remove complainants.

23 COUNCIL MEMBER WILLIAMS: Okay, and the
24 violator is not removed either, right? No one gets
25 removed.

2 FDNY ASSISTANT COMMISSIONER NGUYEN: Well,
3 in certain circumstances, on a case-by-case basis,
4 the respondent may be removed to ensure that there's
5 no further incidents to make sure that the workplace
6 is comfortable and to ensure that there's no further
7 retaliation pending the investigation.

8 COUNCIL MEMBER WILLIAMS: Okay. We also
9 have learned that the Vulcan Society has taken a vote
10 of no confidence with the EEO Office and the Bureau
11 of Investigations and Trials. How are you addressing
12 this and if you could just talk a little bit about
13 the staffing levels in your unit and what number of
14 days it takes for your unit to investigate and
15 conclude? You answered this question but if you could
16 just talk about how your office is addressing the EEO
17 Office in terms of the Vulcan Society having a vote
18 of no confidence in your office?

19 FDNY ASSISTANT COMMISSIONER NGUYEN: Sure.
20 I take very seriously any concerns, criticisms,
21 thoughts about how my office is doing as it pertains
22 to EEO compliance within the Department. I make it a
23 point to keep an open door. I have very often members
24 contacting me directly on cases about the concerns
25 that they have or their representatives so whether

2 it's during a vote during an affinity group meeting
3 or on an individual basis I take those concerns very
4 seriously because there's always going to be room for
5 improvement. Not nearly enough hours in the day for
6 me to personally ensure that we're getting them done
7 immediately, but it is a goal of our office and the
8 Department to address those concerns. We do have a
9 monthly meeting with the Vulcan Society executive
10 leadership so I look forward to having that
11 discussion with them and getting further details on
12 the specific concerns.

13 COUNCIL MEMBER WILLIAMS: The number of
14 people in your unit?

15 FDNY ASSISTANT COMMISSIONER NGUYEN: The
16 number of people in my unit? Right now, we have nine
17 people in my unit including myself.

18 COUNCIL MEMBER WILLIAMS: How many
19 firehouses in the city?

20 FDNY ASSISTANT COMMISSIONER NGUYEN: More
21 than 200 and more than 300 facilities total.

22 FDNY COMMISSIONER KAVANAUGH: Can I say
23 just one brief thing on that? I know we're running
24 short, but I have undertaken in my brief time as
25 Commissioner a review of both units including in

1 particular the staffing and also including a number
2 of cases in which either EEO or BITS did order
3 something to happen and it did not happen, that there
4 was a direct opposition or violation in terms of
5 following the EEO Office's orders and there is
6 currently an investigation into a couple of cases
7 where that happened, where the EEO Office ordered
8 something and those directives were not followed in
9 the field.
10

11 COUNCIL MEMBER WILLIAMS: Okay. Thank you,
12 Chair. If we have more questions, I'll come back.

13 COMMITTEE COUNSEL KINGSLEY: Thank you,
14 Council Member. Next, we'll hear from Council Member
15 Powers, Hudson, and Feliz.

16 COUNCIL MEMBER POWERS: Thank you. Thank
17 you to Chair Ariola and Speaker Adams and thank you
18 to Council Member Riley and Williams for your bills.
19 I think this is a really great and important hearing,
20 and I have a few questions on some of the legislation
21 we're hearing today. It's a week after 9/11 and I
22 know we spend that day honoring everyone who serves
23 the Department but I think it's a good opportunity
24 just to say thank you to everybody in the Department
25 for the work they do every day. I have a lot of

2 friends who are part of the Department, and I know
3 how great of a job it is and I think that is why it's
4 so important to talk about diversity and
5 opportunities. Today is a hearing on diversity and
6 opportunity, and it's impossible for me to be at this
7 hearing without acknowledging that we have the
8 opportunity to make the first female Commissioner in
9 FDNY history, she's the Acting Commissioner, and we
10 are talking issues facing a workforce including
11 getting more women into this workforce and I've seen
12 that in some of my friends' firehouses, that increase
13 and that progress, but we also are telling them that
14 they may not have the opportunity to be the
15 Commissioner or to be in positions of leadership so
16 I'm just going to implore, and by the way that
17 applies to anyone that interest in being in
18 leadership of this Department who I think should be
19 told that they can be represented at the highest
20 structures of any department and any agency and as we
21 complete our promotions and appointments in this
22 administration I would make an appeal here again that
23 it's increasingly important, especially as you're
24 trying to make structural change and make deep-seated
25 reforms into an agency, that you allow your

2 leadership to have the mandate and the confidence to
3 be able to do that by giving them the appropriate
4 power leadership entitles to do that so before I get
5 into my questions, I would just make that public
6 statement because I think it's kind of impossible to
7 have this conversation, this hearing without
8 acknowledging what I think is an important part of
9 the conversation, is that who represents and who
10 leads the agency, not just who serves in the
11 firehouses of it, and what they are allowed to
12 believe about what they're trajectory will be in that
13 agency so I'll just say with more confidence in the
14 last year we've had the Bronx fire, we've had ongoing
15 e-bike fires that I've been dealing with this agency
16 about, we've had legislative issues that I've had to
17 negotiate with the agency, I think Acting
18 Commissioner Laura Kavanaugh has been excellent and I
19 think that the Acting part of that title should be
20 removed immediately and I think she should be
21 promoted to be the first woman Commissioner in the
22 history of the FDNY.

23 With that being said, I wanted to just
24 jump in to a few bills with the limited time I have
25 left which is just to say that we have heard from the

2 Agency in the past about projections that within the
3 three or four testing cycles that the demographics of
4 the Department's firefighting ranks will reflect
5 better the city as a whole. I'd love to just get a
6 projection on where we stand today with that goal and
7 what the timeline is on that.

8 Second is when it comes representation of
9 female firefighters, do we believe there is a path
10 and what path are we on to increase representation of
11 that? I'll stop with my questions right there?

12 FDNY COMMISSIONER KAVANAUGH: Sure. Thank
13 you. I think this is a tough question to answer, but
14 I will talk about what we think we see and how I
15 think we can try to get there and I would say I think
16 we'll need the assistance of everybody in this room
17 to get there. The toughest part about the Fire
18 Department, you just mentioned it, it's a phenomenal
19 organization that does great things, and one of the
20 parts of that is we want to have one of the lowest
21 attrition rates of any civil service job in the city
22 which means in any given four-year cycle, there are
23 only a very small handful of jobs that are actually
24 available so even as we massively diversify these
25 lists, we're still only hiring a small number of the

1 people on them and so that makes outward projection
2 somewhat difficult because we are subject to just how
3 many positions we have available and differing
4 attrition rates. I'd also say COVID has thrown a real
5 wrench into that. We had a pause on our hiring so
6 after we created this phenomenal list, we were then
7 not able to hire off of it for quite a bit so we are
8 trying to relook at our numbers and try to figure out
9 what the 10- to 15-year projection is now that we've
10 gone through that. We certainly still hope that we
11 can reach in a few cycles to match the demographics
12 of New York City, but we do understand that when you
13 look at the numbers, that is a very difficult
14 challenge because it would mean that you have to have
15 significantly higher numbers of diverse firefighters
16 on the list than actually in the 21 to 29 age range.
17 That doesn't mean we can't do it. It's just very
18 difficult. One thing I would say, we've spoken about
19 here, that both gives me hope and I think is one of
20 the tactics is that we really see that it's a long-
21 term effort for members of the community to interact
22 with firefighters and to see to your point that it is
23 possible for them to see people that look like them
24 in these jobs. It does make a difference, and one of

1 the really heartening things is that when we did our
2 last recruitment campaign and we looked at the list,
3 the numbers of people who applied jumped above our
4 projections, and that was actually particularly true
5 with young women where I think that younger
6 generations gratefully are thinking very differently
7 about the jobs that are available to them so when I
8 first started I very rarely met a woman who thought
9 of firefighting on sort of the short list and I now
10 meet many young women who do. We think that tracks
11 for diverse candidates as well so what we're hoping
12 is that as we do each recruitment campaign we'll see
13 that leap even above kind of the linear trend, we
14 will see these leaps in interests as we are in
15 communities, as people see many firsts being made in
16 this Department, which I should say almost everyone
17 up here and then to my right is a first in their job
18 and is breaking a ceiling either an ethnic or gender
19 ceiling or both in many cases so we do hope all of
20 those things makes a difference. It is someone hard
21 to project given the civil service constraints that
22 we're under, but we do hope that over the next few
23 cycles we do see our ranks match what the city looks
24 like.
25

2 COUNCIL MEMBER POWERS: Thank you. I'll
3 just add one comment and then I'll hand it back to
4 the Chair. As you guys maybe can give us more clarity
5 soon on just what that might look like and some more
6 concrete examples, that'll be helpful. Thanks to the
7 Chair.

8 COMMITTEE COUNSEL KINGSLEY: Thank you,
9 Council Member. Next, we'll hear from Council Members
10 Hudson and then Feliz.

11 COUNCIL MEMBER HUDSON: Thank you so much.
12 Hello and thank you for being here. I just want to
13 reiterate what the Majority Leader said about Laura,
14 your leadership in particular, and I think having a
15 woman at the helm of the Fire Department which has
16 never been done would be significant so I just want
17 to also state that for the record. I just want to
18 follow up quickly to what Council Member Riley said
19 earlier. I think having firefighters of color in
20 communities of color is not just simply about
21 fighting more fires but also about representing the
22 districts and the communities that they're from
23 oftentimes and so other people can see themselves
24 reflected in the firefighters and I would say just as
25 a policy point, if there's any potential for you to

2 some way, somehow encourage firehouses to keep their
3 doors up for at least a certain amount of time during
4 the day, I visited Engine 234, which is in my
5 District and saw how impactful that is on local
6 communities when people can walk by and see their
7 everyday heroes. I wanted to get into a few
8 questions. One is regarding the Fire Academy. How
9 many firefighters of color or women or LGBTQ-
10 identified folks have leadership roles and training
11 positions in the Fire Academy.

12 FDNY COMMISSIONER KAVANAUGH: I'll let the
13 Chief speak to that a little bit. There are a number
14 of them including the Diversity Advocate themselves,
15 which we think is very important. Also, I'm just
16 going to interject one second and say we are actually
17 having an open house in October for all firehouses
18 where we ask them to keep their doors up. We could
19 not agree more. We actually did a lot of that before
20 the pandemic, and we're revisiting it so we will get
21 you that date and we definitely agree in philosophy.
22 In terms of the Academy, a number of our drill
23 instructors and a number of the fitness instructors
24 are women and candidates of color. Particularly, we
25 look for folks with military experience for those

2 jobs and the Diversity Advocate is an African
3 American male and he is on-site. I'll let the Chief
4 of Department speak to that a little bit further.

5 FDNY CHIEF HODGENS: We have jobs at the
6 Academy for instructor, and we have plenty of diverse
7 and female firefighters working in those jobs. We
8 always try to capture all different perspectives
9 coming from different people and learning the job so
10 I think it's important that probies see instructors
11 that look like them as well. We're very cognizant of
12 that and we strive to meet that goal.

13 COUNCIL MEMBER HUDSON: Thank you. I'm
14 sorry, I don't remember your title, but as followup
15 to what you were talking about earlier in terms of
16 the process for complaints and discipline, I just
17 wanted to ask are there any black women, women of
18 color, or LGBTQ folks of color included in that
19 process of reviewing allegations of harassment or
20 abuse and then also determining what potential
21 discipline looks like?

22 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
23 you, Council Member. With regards to my office, the
24 majority of my staff members are female. We do have
25 representation in terms of race representation and

2 national origin representation. In fact, I'm one of
3 the few males within my office. In terms of the
4 Bureau of Investigations and Trials, they also share
5 gender and race representation in their process as
6 well. I should also note that one of the challenges
7 that we've faced with the EEO Office is that we are
8 in one spot, and I see you're looking at the clock,
9 I'll make this fast. We're in one spot, and we're
10 responsible for firehouses and EMS stations all over
11 the place. We have retained a group of EEO counselors
12 and liaisons who are members out in the field who
13 remain out in the field but have been trained in EEO
14 policies, mediation, alternate dispute resolution,
15 and they're also a gender and racial diverse group as
16 well who acts as a liaison between the EEO Office at
17 Headquarters and members out in the field.

18 COUNCIL MEMBER HUDSON: Thank you. I ask
19 that question because diversity is obviously
20 incredibly important and that's why we're here today
21 but also thinking about those of us who are most
22 marginalized. For example, I am a gay black woman and
23 so just to have a white woman necessarily isn't
24 always going to meet my needs so I just want to make
25 sure that people who are living intersectional lives

2 also have the opportunity to be in those positions.

3 Lastly, what specifically does the Fire Department do to
4 support members who are most marginalized, as I
5 mentioned, such as black women, women of color, and
6 the members of the LGBTQ community?

7 FDNY ASSISTANT COMMISSIONER NGUYEN: There
8 are various things that we do. It all starts with
9 training. We train everyone on an annual basis with
10 regards to their rights and responsibilities within
11 the firehouses and EMS stations. We do conduct
12 firehouse inspections to maintain a presence out
13 there. Whenever there is an allegation of
14 discrimination, retaliation, or harassment, we want
15 folks to understand that we take those
16 responsibilities seriously so we conduct very
17 thorough investigations and speak to many people in
18 order to make the right call and we also maintain an
19 open dialogue with the members out in the field to
20 the extent that we can through the EEO liaison
21 program, through direct access to myself as well as
22 my attorneys, and certainly during the course of an
23 investigation which can be very difficult for the
24 people that are involved in that investigation, we
25 give them contact information for all of us,

2 including the attorneys, the point of contact, so if
3 they have any concerns they can reach out to them
4 directly.

5 COUNCIL MEMBER HUDSON: Thank you. I just
6 wanted to bring that up because, I think the Speaker
7 actually shared the numbers earlier in terms of
8 demographics, and I would say that the allegations of
9 abuse and harassment are disproportionately part of
10 the people who are least represented in the Fire
11 Department so it's really important that we continue
12 to intentionally and deliberately support those
13 people who are most marginalized. Thank you so much.

14 FDNY COMMISSIONER KAVANAUGH: I'd like to
15 add just two quick points on that. One is that when
16 probationary firefighters are assigned out of the
17 Academy, we do identify probationary firefighters
18 that may be particularly vulnerable in a firehouse,
19 including we've had a number of members who are in
20 the midst of transitioning or they may be the first
21 female or first black member in their house so
22 Commissioner Nguyen and the chain of command work
23 together to understand whether or not there's a
24 specific set of recommendations rather than just
25 placing them there that we should be cognizant of

2 before they arrive at the firehouse. Then I'd also
3 say part of my philosophy about making sure that I
4 have a diverse executive staff myself is that exact
5 reason so not everybody is going to come to me or
6 come to the Chief but that there's someone on my
7 staff that someone feels is a safe person to relay a
8 concern to so those are two principles we're really
9 trying to put out there.

10 COUNCIL MEMBER HUDSON: Thank you. Thanks,
11 Chair.

12 CHAIRPERSON ARIOLA: Thank you.
13 Commissioner Nguyen, as long as we're on the subject
14 of substantiated or unsubstantiated complaints. When
15 you gave the EEO numbers, those included Fire, EMS,
16 and Prevention?

17 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes,
18 across the agency.

19 CHAIRPERSON ARIOLA: So it's all the
20 agencies, but when we spoke about diversity, did that
21 also include all three of those components of your
22 Department?

23 FDNY COMMISSIONER KAVANAUGH: I think
24 we've gone back and forth. I know a lot of this was
25

2 about the Fire service, but I did mention the
3 diversity in the EMS ranks at the beginning.

4 CHAIRPERSON ARIOLA: So those numbers
5 included all three? The other thing is you say you
6 have nine people in your Department.

7 FDNY ASSISTANT COMMISSIONER NGUYEN:
8 Including myself, yes.

9 CHAIRPERSON ARIOLA: Including yourself?
10 What are you budgeted for?

11 FDNY ASSISTANT COMMISSIONER NGUYEN: We
12 are budgeted for 19 (INAUDIBLE)

13 CHAIRPERSON ARIOLA: 19, and what are you
14 doing to recruit so that you can reach your budgeted
15 amount of personnel?

16 FDNY ASSISTANT COMMISSIONER NGUYEN: I'm
17 working directly with our Assistant Commissioner of
18 Human Resources to publicize the position. I'm going
19 through all my networks. I've had a long history of
20 city service. I've been a city attorney in one form
21 or another for the last 15 years including at the Law
22 Department so I'm going through all those networks.
23 We're going through LinkedIn, Indeed, places like
24 that in order to find qualified applicants, and
25 certainly I'm reviewing applications and interviewing

2 people as quickly as I can to get back to up to full
3 staffing.

4 CHAIRPERSON ARIOLA: Do you think that
5 that complete disparity in number from the number of
6 people you have now to the number of people you
7 should be budgeted for and the inability to fill
8 those slots directly affects those members of the New
9 York City Fire Department, EMS who are currently on
10 leave without pay for almost one year come October
11 and November?

12 FDNY ASSISTANT COMMISSIONER NGUYEN: For
13 those members specifically, I do not believe that to
14 be the case.

15 CHAIRPERSON ARIOLA: So you think nine
16 members in your Department can oversee all complaints
17 in addition to everyone who has in their waiver
18 request who are currently on leave without pay, not
19 having any income, and we don't have any timelines as
20 to when they'll receive any type of response? I don't
21 think that you have sufficient number of people in
22 your Department to really oversee what needs to be
23 done there. I'm saying it to be helpful, not to knock
24 your Department, but we have a lot of people out
25 there that have not had an income for almost a year

2 so what do you believe is the timeline with the nine
3 people you have to oversee these particular cases to
4 make sure they are either given an exemption, told
5 that they are not eligible so that they are able to
6 then get back to work in another field or with the
7 Fire Department?

8 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
9 you, Council Member. At this juncture, we only have a
10 very small number of pending internal exemption
11 requests pending with my office. I believe that
12 number is around 30 or 40 people at this point, and
13 the great majority of them, in fact I would say
14 nearly all of them are folks who filed their
15 application in the last month to two months.

16 CHAIRPERSON ARIOLA: That's not true.

17 FDNY ASSISTANT COMMISSIONER NGUYEN: There
18 are folks who are still pending appeal so once my
19 Office issues a decision, members, if they're denied,
20 they have the opportunity to appeal that decision to
21 the Citywide Appeals Panel which my Office doesn't
22 have direct control over or have any contact with so
23 that they can maintain the integrity of their
24 decision. I can't speak to their timeline. They are
25 not within...

2 CHAIRPERSON ARIOLA: It has to be your
3 timeline. DCAS sets the timeline, and it's unfair to
4 keep so many people without an income for so many
5 months just hanging in limbo without any type of
6 ability to collect unemployment, get another job in
7 the meantime, or receive any type of public
8 assistance so I think that you really have to look at
9 your agency, make sure that you're working with HR to
10 fill those slots because then that means that there
11 are people who have put in complaints from the LGBTQ
12 community, from a woman, from people with diverse
13 backgrounds, that also are backlogged cases that are
14 not being looked at so I don't see how you can
15 sufficiently oversee with the number of people that
16 you have testified to working in your Agency right
17 now.

18 FDNY COMMISSIONER KAVANAUGH: I will say
19 that we are working with the Law Department to find
20 alternative ways to get candidates. It's not for lack
21 of trying. This is one of the areas post-COVID where
22 work has shifted and there just are not a lot
23 candidates applying for legal jobs, not just in our
24 Agency but citywide and so we're working with the Law
25 Department in part to figure out why that is and if

2 there are alternative ways to get candidates in,
3 whether that's through internships, contract with an
4 outside firm, but we're trying to look at alternative
5 methods because there are just very few candidates
6 applying for these openings. It's not a budgetary
7 issue.

8 CHAIRPERSON ARIOLA: Right, but for this
9 particular issue, it's about backlog on people who
10 have put in complaints and also people who are on
11 leave without pay. Thank you.

12 Council Member Feliz. Thank you for your
13 patience.

14 COUNCIL MEMBER FELIZ: Thank you so much.
15 Good afternoon, everyone. I am New York City Council
16 Member Oswald Feliz. I want to start by thanking my
17 Colleagues including Speaker Adams, Chair Ariola,
18 Council Member Riley, and Council Member Williams for
19 this very important hearing and also for the very
20 important bills before this Committee today.

21 Let me start by echoing what some of my
22 Colleagues mentioned today which is, let me start by
23 thanking the firefighters of this city for their
24 service and their work. I represent a district with a
25 very long history related to tragedies related to

1 fire and, during every single and during every single
2 tragedy, we've seen firefighters helping the people,
3 risking their own lives to save people that they had
4 never met and the people of this city are very
5 thankful for the service of each and every
6 firefighter, thankful for their service and for their
7 work.
8

9 I have three questions, one about the
10 application process, another one about recruitment,
11 and then about EEO complaints. Can you talk to us
12 about the application process including from the very
13 initial step including the timeline, training, any
14 requirement for anything including required exams?

15 FDNY ASSISTANT COMMISSIONER NOONAN: It's
16 a long process. The application process starts with
17 filing. Candidates have a window of one month to up
18 to close to three months which is what we've done for
19 the past exam. Considering diversity, we chose to
20 extend the exam to try to increase the level of
21 diversity. Once those candidates are filed, DCAS puts
22 them in (INAUDIBLE) order and we hire based on the
23 available slots that are available for the
24 Department. So far for this round of the exam, we've
25 gone through two rounds of processing. The first

1 round was 114 to 101. The second round of processing
2 was for those candidates that had scored 100 and the
3 next round will be for those candidates who have
4 scored 99 and we hope to get to 98 and possibly
5 further depending on the needs of the Department.
6 Once those candidates are called off the list, as I
7 said earlier, once they're called and they're ready
8 to be processed for the physical portion of the
9 testing exam, they have eight to 10 to 12 depending
10 on how long, if the exam process is extended, eight
11 to 12 weeks of training with Recruitment and
12 Retention at the Fire Academy, other sources of
13 training and fitness programs available to them. They
14 take and pass the physical exam and then they go
15 through the background processing. They call in bands
16 based on the ratio of candidates needed to fill a
17 class. A candidate, once they've passed the CPAT exam
18 could possibly go from six months to maybe a year
19 before they're called for background processing. Once
20 those candidates pass background and go into the
21 Academy, they will be in the Academy from 18 to 20 or
22 so weeks and then they're into the firehouse. The
23 process for those people, depending on how far down
24 you are on the list, can take time, can take anywhere
25

2 from a year, two years, to five to seven years,
3 especially in this case where we have an extension.
4 We had a filing period in 2017 and this actual list
5 doesn't expire until 2025 so that's quite a bit of
6 time that someone can sit on this list before they're
7 hired. The challenge is for us to continue to engage
8 these candidates, let them know how important it
9 is to stay on top of their fitness levels, to read
10 and stay abreast and monitor their emails that are
11 coming from Recruitment and also DCAS and CID and
12 that's pretty much what we do. We put all of that
13 into a very (INAUDIBLE) communication plan to make
14 sure that we're not missing any of those groups.

15 COUNCIL MEMBER FELIZ: How long does it
16 generally take to become a firefighter from the very
17 first step until the very last step which is when
18 you're called? How many years generally, average?

19 FDNY ASSISTANT COMMISSIONER NOONAN: It
20 depends on their scoring band. I would say anywhere
21 from two to maybe six years on average.

22 COUNCIL MEMBER FELIZ: Also, on the issue
23 of recruitment, not the process for recruiting but
24 outcomes related to recruitment, how do the
25 initiatives that we've talked about earlier today,

2 what have been the outcomes of those recruitment
3 initiatives and how do those outcomes relate to
4 outcomes that we had five years ago and outcomes on
5 the issue of race and gender?

6 FDNY ASSISTANT COMMISSIONER NOONAN:

7 Looking back at the physical portion of the
8 firefighter exam and knowing that's the highest point
9 of attrition, we have to look at what our candidates
10 need in order to be successful. Participating in CPAT
11 training is going to be key for these candidates. Not
12 attending once, attending multiple times. I said
13 earlier five times CPAT training for our male
14 candidates, at least seven times for our female
15 candidates in order for them to increase their
16 chances of being successful at the physical exam.
17 After that, they have to maintain that level of
18 fitness and, in many cases, increase it and so we're
19 offering programs to support those efforts and
20 support those successes for those candidates. We do
21 know, just preliminary information, our stairmill
22 program has been very successful. We've seen those
23 candidates that have gone through the hiring process
24 and have participated in our stairmill training
25 program were pretty much 100 percent successful. That

2 gives us validation that we need to continue to roll
3 out that program, continue to ensure that those
4 candidates understand how important the stairmill is,
5 not only for the CPAT exam but also preparing for the
6 medical portion of the background and also throughout
7 your tenure as a firefighter, you're going to be up
8 and down the stairs so that's something that we feel
9 like we will continue to do.

10 COUNCIL MEMBER FELIZ: Okay. Final
11 question on the EEO issue, what is the Department
12 policy on keeping members apart whenever an EEO
13 complaint has been filed and have there been any
14 instances where members work with someone who has
15 filed a complaint or has been a witness to any
16 complaint?

17 FDNY ASSISTANT COMMISSIONER NGUYEN: Thank
18 you for the question. I touched upon this briefly
19 before. When we initially triage a case, we determine
20 whether the members are able to work with one
21 another. Depending on the facts of the case,
22 depending on whether the allegations are particularly
23 egregious or if we believe that there might be some
24 type of threat of workplace violence or continued
25 conflict, we might consider detailing the member

2 pending the investigation. It would depend on a case-
3 by-case basis. During my tenure here, we have not
4 suggested nor effectuated a detail of a complainant
5 without some indication from that complainant that
6 they preferred some other type of detail elsewhere or
7 a temporary relief from their workplace pending the
8 investigation so in that situation we would try to
9 maintain that dialogue, understand where they are
10 personally, professionally, emotionally and try to
11 make a call from there.

12 COUNCIL MEMBER FELIZ: Thank you so much.
13 No more questions.

14 COMMITTEE COUNSEL KINGSLEY: Thank you,
15 Council Member. Council Member Williams, do you have
16 more questions?

17 COUNCIL MEMBER WILLIAMS: Thank you so
18 much, Chair. I just actually want to follow up, this
19 is not my question, on what Council Member Feliz just
20 asked so all of the times that I've spoken to
21 firefighters, they are so afraid to say something
22 publicly or even file a complaint internally so his
23 question is alluding to protection. If you can
24 explain to us specifically what your Department does
25 around protecting people who do come forward and make

2 complaints because that hasn't been clear. It's like
3 we can move them, we may not move them, we might
4 detail so if you can share with us what you do to
5 protect people that are filing complaints?

6 FDNY ASSISTANT COMMISSIONER NGUYEN: Sure.
7 Thank you, Council Member Williams. Again, we can't
8 do this in a vacuum. We work with Operations
9 directly. If there needs to be an instruction given
10 directly to the chain of command to maintain a
11 professional workplace and to ensure there's no
12 further retaliation, we give that command and
13 directive so we keep that dialogue with the Chief of
14 Operations and everyone on down. If there is a
15 situation where we believe there to be a threat of
16 further EEO violation or if the underlying allegation
17 is sufficiently serious we will propose detailing the
18 respondent in that matter to ensure that we maintain
19 the status quo pending the investigation.

20 COUNCIL MEMBER WILLIAMS: Okay. I'll just
21 go to more questions for you before I go back to
22 recruitment. Is the Fire Department currently in
23 compliance with the terms of the Vulcan settlement?

24 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes.

2 COUNCIL MEMBER WILLIAMS: Okay. Can you
3 share with us what changes to the exam and hiring
4 process have occurred as a result of the Vulcan case?
5 I believe I heard you mention it, but I'm not clear
6 on specific changes that have been made.

7 FDNY ASSISTANT COMMISSIONER NOONAN: There
8 have been changes to the actual written exam. There's
9 been changes to the stairmill practice as it relates
10 to a portion of the medical background. We've made
11 changes to our level of communication to the black
12 and Hispanic candidates. We've made changes to
13 staffing levels. We plan to make changes for the next
14 Firefighter Recruitment Plan that we're working on
15 right now based on the data that we've received from
16 the past campaign and all the efforts that have been
17 undergone so far. I may be missing something. We've
18 also made changes to the way data is collected, the
19 way data is collected for the Candidate Investigation
20 Division, the medical data that's collected to make
21 sure that it's transparent and metricable.

22 COUNCIL MEMBER WILLIAMS: Okay. Do you
23 have a specific recruitment plan for women
24 candidates? I know we spoke a lot about racial
25 demographics, but do you have a specific plan for

2 women candidates, and are there any designated
3 metrics for recruiting and retaining, again
4 specifically black women firefighters sort of
5 following up to my Colleague, Council Member
6 Hudson's, point. These are subgroups that typically
7 have tremendous disadvantages that black men don't
8 have and that white women may not have and so how are
9 you supporting efforts to recruit and retain black
10 women firefighters?

11 FDNY ASSISTANT COMMISSIONER NOONAN: A lot
12 of what we've mentioned and the way we're
13 communicating to these candidates are based on
14 surveys and analysis that we've done so our ability
15 to say exactly how many sessions you need to attend
16 is based on data that we've reviewed. We know
17 specifically that for like our black and Hispanic
18 group of candidates, 18 percent of our black
19 candidates were women so that's much higher than we
20 can say for our group of white candidates, which may
21 have been only 6 percent or Hispanic candidates which
22 may been 10, and I believe for Asian were 7, so we do
23 have to look at the way those candidates will attrit
24 because we know that our female candidates are
25 attritting at a higher rate, especially for the CPAT

1 exam so as we build out this blueprint for the next
2 campaign, we absolutely have to zone in even further
3 on how we're supporting our female candidates through
4 the process.

6 COUNCIL MEMBER WILLIAMS: Okay, and my
7 last question is in reference to the EEO Office. I
8 just want to give the Commissioner a chance to
9 clarify statements because it's been brought to my
10 attention that, for instance, it was reported to the
11 judge that you said you had four attorneys, today you
12 said you have nine, I don't know if everyone in your
13 office is an attorney, maybe you have other different
14 types of positions. It was also reported that you
15 said about 65 percent of your cases are backlogged
16 which gets to Chair Ariola's position around the
17 capacity so if you can clarify what you said today
18 because you're sworn in or any discrepancies in
19 reference to what you have told the judge?

20 FDNY ASSISTANT COMMISSIONER NGUYEN: The
21 nine staff that I am speaking about work directly on
22 the Investigations or the Reasonable Accommodations.
23 That's myself, four investigative attorneys, there's
24 a training attorney, an intake attorney, an analyst,
25 and an RA person so that's nine people. There's a

2 uniform member that assists with training and things
3 like that but they don't work directly
4 investigations. My recollection of the discussion
5 with the court was in the context of where we were on
6 our cases.

7 COUNCIL MEMBER WILLIAMS: Is it true that
8 you have about 65 percent of cases that are
9 backlogged?

10 FDNY ASSISTANT COMMISSIONER NGUYEN: Yes.

11 COUNCIL MEMBER WILLIAMS: Thank you,
12 Chair.

13 COMMITTEE COUNSEL KINGSLEY: Thank you,
14 everyone. With that, we'll turn to the public
15 testimony section of this hearing so, Fire
16 Department, you may step down. Thank you, everyone.

17 For the public section of today's
18 testimony, we'll hear to begin with Regina Wilson
19 from Vulcan Society and Jackie-Michelle Martinez from
20 the United Women Firefighters.

21 For public testimony, we're going to set
22 a timer. You're also welcome to submit written
23 testimony that we'll review but just wanted to give
24 you all a heads up that we're going to set a two-
25 minute. You could finish your thoughts and all but

1 that's something for the interest of getting
2 everyone's testimony today. We're trying to include
3 that kind of protocol. Thank you. Either Jackie or
4 Regina, one of you can go.

6 JACKIE-MICHELLE MARTINEZ: I'm Firefighter
7 Jackie-Michelle Martinez, President of the United
8 Women Firefighters. I want to talk about Bill 560
9 that has to do with discrimination. Throughout the
10 years from the original women entering into the Fire
11 Department on September 25, 1982, there were 41
12 original women that came onto this job from a class
13 action lawsuit. Subsequently, the racial breakdown of
14 that class is 12 women were African American and one
15 was Hispanic and the rest were Caucasian. In that
16 group of 41, they endured a great deal of harassment,
17 poor treatment, ill treatment, and that treatment has
18 showed its face in different ways throughout the
19 years up to present time so when EEO says that there
20 are, let's quote that correctly, let's take 2021, 76
21 complaints, which includes EMS, women historically
22 feared to contact EEO because majority of their cases
23 when they're brought to EEO are found unsubstantiated
24 meaning there's no penalty, no one gets in trouble,
25 nothing happens, and that woman is labeled a pariah.

2 She is treated unfairly. She receives tons of
3 backlash. Whatever firehouse she decides to transfer
4 to, it doesn't matter. She's still treated and
5 labeled poorly. People call other firehouses to talk
6 about her so there's an injustice happening to a
7 woman on this job, she does not say much, and the one
8 woman that's brave enough to speak then is treated
9 poorly so the UWF supports that bill. In the motion
10 for the facilities, the reason why, I'll point to
11 Firefighter Regina Wilson, she spearheaded with the
12 Brooklyn Borough Commander to have this actual key
13 being for women firefighters that the bathroom is
14 locked. She petitioned to have it closed and that the
15 only time that a male firefighter could enter a
16 female bathroom is to clean it because we have
17 committee work being done during the hours from 10 to
18 about 11, it's committee work being done to keep the
19 firehouse up to standard, so all the rooms in the
20 firehouse from the kitchen to the bathrooms need to
21 be cleaned, the women facility, that's the only time
22 a male can enter it from that actual regulation so
23 there's a female key and it says FB on it for female
24 bathroom, every female firefighter has one, and we
25 can access any facility but not every firehouse in

2 the City of New York has a female bathroom. In
3 changing with the laws, they put a gender neutral
4 bathroom on the first floor, but there's not a
5 facility in every firehouse for a woman. That being
6 said, as well as the male, there's no changing area.
7 There's a bathroom for women so we have to change and
8 use the bathroom in the same spot. The males, they
9 have a locker room, which really isn't a locker room,
10 it's usually a walkway which the majority are
11 uncomfortable, they don't even have a changing space
12 themselves, and then there's their bathroom that
13 women who are probies clean it and women who are
14 doing committee work clean as well, but we do not
15 defile their bathrooms, (INAUDIBLE) the reason why
16 the female bathroom/locker room was locked is because
17 their facilities were being vandalized, used, people
18 not flushing the toilets, not cleaning it when there
19 is things that occur in the Fire Department, if
20 someone used to come in that was off the street they
21 were allowed to use the female bathroom so it was
22 reasons why there were steps put in place to have it
23 locked. To answer your question, Councilwoman
24 Williams, you said that is there safeguarding. The
25 key is supposed to be safeguarded by the company

1 commander meaning in their office, on duty it's
2 supposed to be locked, and people are not supposed to
3 have access to it and they're supposed to ask the
4 officer on duty to have the key to clean it so the
5 reason why this was put into place was because before
6 it was not being cleaned, it was left dirty, and the
7 poor woman who had come back say coming from a
8 vacation would be subjugated to finding a disgusting
9 facility where her stuff is placed. The reason why
10 that was done was because women were being subjected
11 to it in all races, Caucasian women, women of color,
12 they all were subjugated to that treatment so
13 Firefighter Regina Wilson made it her mission to have
14 it in writing in our regulations.
15

16 As for recruitment, majority of the great
17 influx of recruiting, meaning recruiting women
18 specifically, the increase really came, our numbers
19 going to 1 percent where we are now, just a little
20 over to 131 women from the original women in 1982
21 from 41 women was from the EMS promotional exam, we
22 yielded the most number of women, and the last EMS
23 promotional exam was filing, the same time as the
24 open competitive in 2017, and was given in 2018, the
25 EMS promotional exam has now expired but yet from the

1 Vulcan lawsuit still ongoing and the practices with
2 the court monitor, Judge Garaufis, extended the 2018
3 exam for firefighter, open competitive 7501 to 2025
4 whereas the EMS promotional still has not been given.
5 It has been expired. There's no extension to them,
6 and there's no prospect of giving another promotional
7 exam. As you heard, EMS has 30 percent women so it
8 would behoove us to have another promotional exam
9 and, since COVID of 2020 eradicated the possibility
10 of having an upcoming promotional exam, the age
11 should be increased just for the EMS promotional to
12 35. How do you call it a promotional if there's an
13 age gap so the age, let's be clear, Members of the
14 City Council, the age is 18, 17-1/2 you could take
15 it, to 28. You cannot have reached your 29th birthday
16 by the first day of filing. Everybody likes to say
17 29; it's really 28, and now because of COVID there's
18 tons of women that would probably take this exam from
19 the promotional and would be too old to actually take
20 this exam which is a disparity on us. It took us a
21 lot of years to get to 131 women out of a workforce
22 of 7,500. That's roughly. I'm not even counting the
23 officers. If you count the officers, roughly around
24 9,000 and some change. We've been working tirelessly
25

2 with Recruitment, the United Women Firefighters, over
3 the years with the many different Presidents have
4 worked tirelessly to try to engage and we offer a
5 free training program to get women to where they need
6 to be, but, if the promotional allowed us to get a
7 greater number of women during that process, so I
8 don't want you to forget, and I know that last time,
9 Councilwoman Ariola, you spoke to the Commissioner
10 she alluded to the fact that the promotional exam was
11 just given recently. It wasn't. It was given at the
12 same time as the open competitive in 2018 so it has
13 been a great amount of time when in actuality we
14 could be increasing our number of women firefighters
15 with the EMS promotional exam.

16 I want to touch upon, again, about women
17 and the facilities. Many different women experience
18 the bathroom experience, but it should not be up to a
19 woman to decide on the experience. What does that
20 mean? That means she should have a safe place to
21 change, use the bathroom, and her stuff not be
22 tampered with. For whatever reason, now another thing
23 I forgot this part of the bill, I forgot which actual
24 number the bill is and if one of the speakers can
25 clarify this, it's based on, see if I remember, I'm

1 so sorry, safety in the firehouse for women so
2 there's a portion about women feeling safe so there
3 have been throughout the years women have transferred
4 from one firehouse to another. I would not be remiss
5 not to discuss that. There have been women who felt
6 that they couldn't do an EEO or they did do an EEO
7 and they transferred. That doesn't mean their
8 treatment was treated well after their transfer. Some
9 were successful. They found a home and were treated
10 well by men who treated them well, not boys, and they
11 were treated well, but some women, unfortunately,
12 carried the stigma of filing an EEO and so I want,
13 not to be remiss, that that does occur, and there is
14 no protection because nothing is a secret in the Fire
15 Department. I'll give you an example. When you walk
16 through the building of 9 Metrotech to go see the EEO
17 office, you go through security. Security now makes a
18 phone call and there's other people standing online
19 to hear where you're going. Now the next person
20 behind you can clearly hear, after they ask for your
21 I.D., that you're going to the fourth floor. The
22 fourth floor houses two things, EEO and Recruitment.
23 They don't know if you're going to, go ahead.

2 CHAIRPERSON ARIOLA: Jackie, I was just
3 going to say your advocacy is second to none, but
4 we're just going to ask you to wrap up.

5 JACKIE-MICHELLE MARTINEZ: Oh, I'm done.

6 CHAIRPERSON ARIOLA: You're done?

7 JACKIE-MICHELLE MARTINEZ: Okay, I'll just
8 finish this. Just going there for anybody, it is very
9 daunting for them to make the call to actually go to
10 EEO, that firefighter is actually very, very brave
11 because at the time they leave, the amount of things
12 that are said about that person and then to find out
13 that your ill-treatment in the firehouse is now
14 nonsubstantiated, meaning that person gets away with
15 treating you poorly and that gives you an idea that
16 everybody else can treat you poorly going forward.

17 CHAIRPERSON ARIOLA; Thank you for your
18 testimony, Jackie.

19 COMMITTEE COUNSEL KINGSLEY: Regina, go
20 ahead.

21 REGINA WILSON: Good afternoon, Council
22 Members. My name is Regina Wilson, and I am the past
23 President of the Vulcan Society, an affinity
24 organization of African American uniformed and
25 civilian employees of the FDNY and a 23-year veteran

1 of the Department. I want to thank you all for your
2 time and the opportunity to come before you to
3 discuss and support the five pieces of legislation
4 regarding evaluating diversity and inclusion in the
5 FDNY. Many years ago, the Vulcan Society met with the
6 Legislative Office of Speaker Corey Johnson to
7 discuss hardships members of the Department were
8 experiencing on a consistent basis dealing with
9 discrimination, harassment, racism, and sexism in the
10 FDNY. Members are still experiencing racist materials
11 on their lockers, transfer papers left on their
12 lockers designed to make them feel unwelcomed in
13 their firehouses, tampering with food and gear,
14 racist memes shared out via firehouse group chats,
15 sexual assaults of male and female members, egregious
16 hazing and bullying. When the Vulcan Society is made
17 aware of these issues, we send our members to the EEO
18 Office within the FDNY. Yet, over the years we heard
19 from many members that they were displeased with the
20 office's work. Members waited several weeks to hear
21 back for EEO officers and waited many months to find
22 out that the harm they reported and received was
23 found unsubstantiated. The Vulcan Society addressed
24 these matters with the EEO Office and pushed the
25

office to align its work with the city's EEO goal to reach their determinations within 90 days.

Unfortunately, the EEO Office recently reported to the court that it is grossly understaffed and 65 percent of their cases are open over 90 days. One

member has not heard from the EEO Office in six months and their case remains unresolved. This

failure in the system has caused great harm to the members who have once again lost their faith in the EEO Office and the ability to resolve case

efficiently. Many members use the EEO Office as an internal checkbox but seek justice outside the walls

of the FDNY. Many members have expressed frustration regarding cases found unsubstantiated by EEO because

the EEO officer could not identify the person or

persons who committed the violation, but many times

evidence provided proved that something did occur and

there was indeed a violation to the EEO policy. The

Office has indicated that it now substantiated this

case but in the case that bad actors could not be

identified. Unfortunately, the EEO Office rarely

takes measures to correct the behavior in the

firehouse, leaving the act unpunished making it

destined to happen again. These behaviors across the

2 Department create a hostile work environment which
3 cause many members not to want to come to work, take
4 full-time details outside of their firehouse to
5 escape the trauma, turn to drugs and alcohol, and
6 many times suffer in silence. These behaviors are
7 embedded into the culture and are part of the system
8 of the FDNY. For these reasons, the Vulcan Society
9 held a meeting and its members took a vote of no
10 confidence of the EEO Office and the Bureau of Trials
11 and Investigation. This introduction to the toxic
12 FDNY culture begins with probationary firefighter
13 school. Instructors tell probationary firefighters
14 that they must assimilate. They try to strip probies
15 down from who they are as a person, how they think
16 and believe and to accept abuse, bullying and hazing
17 as a normal part of the job. Crudeness is not foreign
18 to those who perform the act because they,
19 themselves, have experienced in one form or another.
20 They have just been so brainwashed to believing that
21 tearing each other down is a part of the job.
22 Training people to think as a team and not as an
23 individual to be a firefighter need not come with the
24 cost of giving up your identity as a person, dignity,
25 and self-respect. No job deserves to take that away

1 from you. Being a woman or a person of color in the
2 FDNY can be one of the hardest things you can
3 experience, not only are you entering a department
4 that historically has not welcomed women of color but
5 the very design of firehouses never welcome women. A
6 few examples are the firehouse did not have bathrooms
7 in every firehouse until 2016 after years of the UWF
8 battling with the Department regarding bathrooms. The
9 first female firefighters entered the firehouse in
10 1982 and this year on the 25th of September will mark
11 the 40th anniversary since the first woman has
12 entered the Department. Most bathrooms are not
13 designed to accommodate more than one woman.
14 Designated bathroom keys are given to female members
15 of the FDNY and company officers for access to the
16 bathroom. Often the keys given to the officers are
17 not secured at all, regardless of what they say here
18 today. They are not secured. I, at one point, went to
19 a firehouse and found the key inside the door. I also
20 found the key on a wire hanging outside of the door
21 so these keys are not always secure and the
22 firefighters in the firehouse know where the keys are
23 to the women's bathrooms. You'll walk into some of
24 these bathrooms and you'll see men's shampoo, you'll
25

1 see their shaving kits so you know that they've left
2 traces of themselves behind as well as not keeping an
3 adequate bathroom for women. For it to be said that
4 every firehouse, the keys are secure is a false
5 statement to make. Female bathrooms in firehouses
6 with no female firefighters assigned to them even
7 though female firefighters may be detailed to their
8 firehouse at any time are often converted into
9 storage spaces or used in other ways to conform the
10 male firefighter in the firehouse. I've gone to a
11 firehouse in Manhattan and they use the women's
12 bathroom to store t-shirts that they sale to the
13 public. It was stocked up and you could not even get
14 to the commode. Bunk rooms are open spaces and do not
15 have sections of privacy. I no longer rest in the
16 bunk room after I witnessed a male firefighter
17 putting his pants on after taking them off to lay
18 down in bed.

19
20 Former Commissioner Nigro once stated
21 that the FDNY should have a department of 15 percent
22 women to which I totally agree, but since that
23 statement until present the Fire Department has not
24 created a plan to create those numbers or an
25 exclusive plan for recruitment and retention for

2 women. Council Member Williams asked that question
3 today to the Fire Department and they did not answer
4 that question and that's because they have no plan
5 specifically for any woman or any woman of color. The
6 Fire Department must still work to create an
7 atmosphere of acceptance for women candidates and
8 firefighters that is free of bullying, sexual
9 harassment, and hazing.

10 Regarding the Diversity and Inclusion
11 Officer, this position was created as part of the
12 Vulcan Society settlement with the city. The position
13 has yet to reach its full potential to challenge the
14 dynamics of the FDNY. The last two CDIOs failed their
15 jobs. The position is currently vacant, and the unit
16 today is not making a significant contribution to
17 make the FDNY a more inclusive environment. The unit
18 has not dealt with the systemic racism of the
19 Department or addressed any of the women's issues
20 stated previously in my statement. No Department-wide
21 plan or true measure of metrics of success to achieve
22 diversity and inclusion has been produced. We need an
23 overhaul of this unit's practice and a new direction
24 for the office that adopts goals and sets
25 expectation. This position has been vacated for 14

1 months, leaving the Department again without the work
2 of essential positions and functions which have been
3 created out of the lawsuit. These are court-appointed
4 positions that have been left open for 14 months, and
5 in those positions they put senior staff members who
6 do not have a background in diversity inclusion nor
7 have they done that in their previous career or is it
8 listed on any part of their resume. The Department
9 has on-boarded someone to start at the end of the
10 year and setting goals and expectations so that this
11 office can finally realize its potential is
12 essential.
13

14 In conclusion, I've been with the Fire
15 Department for 23 years and I have watched so many
16 members struggle to maneuver their way through the
17 Fire Department system. When will the day come when
18 we will not have to battle for basic rights and
19 treatment in the workplace? When wil. people of
20 color, women, and citizens of New York be afforded
21 the same opportunities as others? If you look at the
22 history of the Fire Department, it has never been a
23 willing organization of inclusion for anyone other
24 than white males. The changes in the Department has
25 primarily come due to lawsuits where discrimination

1 was at the very heart of the exclusion. To change the
2 FDNY, we need strong leadership committed to making
3 systemic overhauls. During the last administration,
4 the Vulcan Society and the United Women Firefighters
5 Association met with many members of executive staff,
6 from Commissioner Nigro, the First Deputy
7 Commissioner, Legal, the Bureau of Trials and
8 Investigations, EEO, and others. Progress was made
9 but not enough to change the very nature of the deep-
10 rooted issues which plague the Department. Some have
11 blamed former Commissioner Nigro for preventing
12 members from executive staff making the necessary
13 changes to the Department. They saw the issues the
14 Department was plagued with but felt unheard,
15 ignored, or silenced. I say to them, look at the
16 brave people who will be testifying here today. They
17 will give all of themselves today, even with fear of
18 retaliation looming over their heads. They come to
19 tell the truth and advocate for change. They speak on
20 what is wrong with this Department and seek the
21 necessary help from the City Council to fix it. I say
22 to them, you should have done the same. For all the
23 political clout and influences afforded to the FDNY
24 leadership, you should have been just as brave as
25

2 these members and should've taken the stand for what
3 is right. To them I say your silence makes you
4 complicit to all of the bad behavior. I say to you,
5 you cannot separate yourself from any of it, but I
6 also say it is not too late to step up and do what's
7 right and join the Vulcan Society and City Council in
8 ensuring the FDNY's future is inclusive. I urge them
9 to begin today and I encourage the Council to pass
10 this passage of legislation and will help to hold the
11 Department accountable for these changes with the
12 stronger amendments of accountability added. Thank
13 you so much for your time.

14 CHAIRPERSON ARIOLA: Thank you for your
15 testimony.

16 COMMITTEE COUNSEL KINGSLEY: Thank you
17 both.

18 JACKIE-MICHELLE MARTINEZ: Can I just add
19 one thing? Correction, the EMS promotional exam is
20 given six months before the open competitive so that
21 EMS promotional exam was given in 2016 and their CPAT
22 was given, the first day of their CPAT was 2017 so
23 it's even longer there hasn't been an EMS
24 promotional. And to cover one more thing about the
25 vaccinated, when the mandate first occurred more than

2 50 percent of the women were unvaccinated for many
3 different reasons and, like you said, backlogged,
4 like a lot of people did not get a response so they
5 took the vaccine under duress in fear of losing their
6 job, there were women that were pregnant, they didn't
7 want to take it until after their pregnancy and still
8 get a response. Even if we lose one woman is more
9 than enough because we only have 131 women. We
10 would've had 132, one had to retire in lieu of being
11 terminated and there's one on LWOP now and that's
12 more than what we need because we hardly have women
13 on this job. Their religious exemptions were not even
14 explained, and they were just told randomly,
15 generically that it's been denied.

16 CHAIRPERSON ARIOLA: Thank you, Jackie.

17 COMMITTEE COUNSEL KINGSLEY: Unless
18 there's questions from Members, which I don't see,
19 thank you for your testimony. We'll move on.

20 Next, we'll hear from Bobby Eustace from
21 the UFA. After that, we're going to turn to some Zoom
22 testimony from Brenda Berkman at UWF and Sarinya
23 Srisakul, also at UWF.

24 BOBBY EUSTACE: Good morning. Thank you.
25 My name is Bobby Eustace. I'm the Vice President of

1 Uniformed Firefighter Association. We heard wonderful
2 testimony today, and I want to thank all the Council
3 Members for being here right there. I want to kind of
4 touch on a hearing we had last week as far as the
5 Civil Service Committee and as far as hiring and
6 touch on a lot of different testimony that was here
7 as well. When I was hired, it was the fourth class
8 that was hired one year. Currently, we hire about two
9 classes a year. That seems to be one of the issues
10 here. They talk about all the efforts in diversity
11 that they do here. They need to hire a lot more
12 classes. We are currently at an all-time historic
13 overtime hiring, and Firefighter Martinez touched on
14 it, the EMS promotional exam. Those are facts. That's
15 one of our strongest strengths of diversifying our
16 Department. They need to have another one of those
17 exams. They need to get it through. We touched on
18 this when DCAS made a couple statements, and I wanted
19 to echo on there. They said that civil service is the
20 path to the middle class, and I believe that. Part of
21 the thing that we're skipping is the path part. We
22 keep seeming to want to raise the floor up, and
23 that's something I want to echo as a union leader
24 here and a labor leader here is that we keep wanting
25

2 to raise the floor and not the path. You want to give
3 people in minority neighborhoods something to
4 achieve, not the floor. The City Council gave
5 themselves a raise of 32 percent in 2016, and I'm
6 hearing they're going to give themselves a raise
7 pretty soon. I ask every politician I interview, what
8 the middle class makes in New York City because it
9 seems to be a tale of two cities. If 32,000 dollars
10 is minimum wage and there's a lot of millionaires in
11 this city, my belief is 150,000 dollars is just
12 barely getting by in this city so we need to give
13 something to strive, not something to barely get by
14 so we need to give affordable wages so the people can
15 live in their communities because what I happened to
16 find is that a lot of people come from neighborhoods
17 like Soundview and the cost of a home in Soundview
18 might be 1.2 million dollars. If you buy a actual
19 house in your neighborhood and you want to stay in
20 these communities, my members have three years on,
21 they come from these communities and they have to
22 move to Mount Hope. They don't want to move to Mount
23 Hope in Orange County. They don't want to spend to
24 Kings Park in Suffolk County, but they end up leaving
25 these communities and (INAUDIBLE) to stay there. The

2 best recruitment for a job is someone on the job.
3 They talk about the job fairs. They talk about
4 opening the doors of the firehouse, but the best
5 recruiting for a job is someone who's already on the
6 job. You need someone who's positive and happy in
7 this role. Let's not raise the floor anymore. Let's
8 raise the ceiling. Let's try to give affordable wages
9 so our members can live in their communities and
10 recruit members in their communities. That's what I
11 ask for today. I'll yield my time. Thank you.

12 CHAIRPERSON ARIOLA: Thank you for your
13 testimony, Mr. Eustace.

14 COMMITTEE COUNSEL KINGSLEY: Thank you.
15 With that, we'll turn to some online testimony. We'll
16 go to Brenda Berkman, Sarinya Srisakul, and then
17 we'll go to Oren Barzilay.

18 Brenda, if you'll bear with me for a
19 second.

20 BRENDA BERKMAN: I hope I'm unmuted. Am I
21 unmuted?

22 COMMITTEE COUNSEL KINGSLEY: Yeah, you're
23 unmuted. Go ahead.

24 BRENDA BERKMAN: Great. Good morning and
25 thank you very much for allowing me to submit

2 testimony today. I appreciate that the hearing has
3 gone very long and, unfortunately, a lot of Council
4 Members had to leave so I'll try and reduce the
5 amount of time that I take, but I have submitted
6 written testimony.

7 My name is Brenda Berkman, and I was the
8 sole named (INAUDIBLE) plaintiff in my successful sex
9 discrimination lawsuit, Berkman v Koch, which 40
10 years ago resulted in the hiring in September of 1982
11 of the first 41 women FDNY firefighters including
12 myself. Just to skip through my various ranks and
13 qualifications, just to say that I have 40 years of
14 experience in advocacy on issues of diversity,
15 equity, and inclusion, and I'm a subject matter
16 expert in this field for the Fire Service.

17 If you don't know the history of
18 misogyny, harassment, sexism, racism, and lack of
19 opportunity experienced by the first group of FDNY
20 women firefighters, please be assured that the legacy
21 of that discrimination and that experienced by
22 earlier men of color continues in today's FDNY.
23 Illegal, unprofessional, cruel, immoral behavior has
24 been and continues to be normalized in the Department
25 and ignored. Women were and are just expected to put

2 up with it. If we complain, we were and are
3 retaliated against, and the perpetrators are rarely
4 punished. The real culture of the FDNY doesn't
5 change. In fact, some of the very men who were bad
6 actors when I was coming on the job as younger
7 firefighters have been promoted and put in positions
8 of authority today in the FDNY.

9 SERGEANT-AT-ARMS: Time expired.

10 BRENDA BERKMAN: My first testimony
11 regarding the lack of gender equity in the FDNY
12 occurred in 1982 before the late Councilwoman Miriam
13 Friedlander's Women's Committee, and I've continued
14 to regularly testify before the Council on FDNY
15 women's issues ever since, 40 years. Consistently, I
16 and others have called for much more serious
17 oversight of the FDNY by the New York City Council
18 regarding gender and racial disparities. I'm hopeful
19 that this legislation perhaps even made stronger in
20 its current form is going to help with finally
21 allowing the New York City Council to have serious
22 oversight of the FDNY. It's not enough to have laws
23 and regulations on the books or flowery proposals by
24 the FDNY, some of which we've heard of today, these
25 are empty words on a page, unless the Council demands

2 transparency and truth in reporting, and I heard a
3 number of mistaken statements today and holds the
4 agency accountable for its failure to dramatically
5 improve its treatment of women firefighters.

6 Accountability is something that has really been
7 lacking in the New York City Fire Department, and the
8 Council has the power to make the administration
9 accountable. With every change in administration, the
10 women firefighters and women advocates have offered
11 concrete suggestions for improvement to the city and
12 the FDNY. Sometimes a suggestion might be adopted
13 briefly. For example, a cadet program, which has come
14 and gone and seems to be back again, but then that
15 suggestion is dropped and even when it's shown to
16 have promise for improving gender equity, it's
17 dropped. At other times good suggestions often based
18 on programs around the United States are simply
19 ignored. Even when some improvements are made, for
20 instance some of the training protocols at the Fire
21 Academy have improved somewhat, some gains for women
22 and people of color are immediately attacked and then
23 even rolled back.

24 I stand in awe today of the active duty
25 firefighters who are willing to the tell the truth

1 about the FDNY. I know that they filed their
2 complaints and they testify at great risk of
3 retaliation. I experienced that myself. These
4 legislative proposals are good first steps for the
5 Council and for New Yorkers to learn about the true
6 situation regarding gender and racial disparities in
7 the FDNY. All the FDNY and the communities they
8 serve, women and men alike, will benefit from a more
9 diverse and equitable Fire Department, a professional
10 Fire Department. The Council will need to closely
11 monitor the compliance of the FDNY with this
12 legislation and hold leadership accountable for
13 failures. Having 138, I've heard various numbers
14 today, 131 women out of 11,000 firefighters, 115 of
15 which have been hired in the last nine years, which
16 although an improvement from many years of zero women
17 hired, is still less than 13 women per year, hardly a
18 situation our city can accept in 2022.

19
20 I'd be happy to work with the Council
21 along with my active duty sister firefighters to make
22 this legislation strong and effective. Thank you for
23 your attention. Please let me know if you have any
24 questions or need additional information.

2 COMMITTEE COUNSEL KINGSLEY: Thank you so
3 much, Brenda. We appreciate your testimony. Next,
4 we'll hear from Sarinya Srisakul followed by Oren
5 Barzilay. Sarinya, I will unmute you in just a
6 second.

7 SARINYA SRISAKUL: Hello. Can you hear me?

8 COMMITTEE COUNSEL KINGSLEY: Yes, ma'am.

9 SARINYA SRISAKUL: Okay, great. My name is
10 Sarinya Srisakul, and I'm a Fire Lieutenant in the
11 FDNY. I'm also the first Asian woman firefighter in
12 New York City and I was also President of the United
13 Women Firefighters from the years 2013 through 2019.
14 Currently, there are a 137 women firefighters and
15 officers in New York City, which is about 1.25
16 percent of the force, and the numbers keep increasing
17 as there are additional women on eligibility lists
18 for hiring. There has been an increase in the numbers
19 of women, like Brenda just said, 115 women hired
20 since 2013 out of 137, but despite this development
21 the Department still has done nothing in terms of
22 gender integration nor has the Department developed
23 any real plans for increasing the numbers of women
24 firefighters for the future. Women are hired, placed
25 in firehouses where oftentimes they're the first or

1 the only woman there and it's up to them as rugged
2 individuals to be able to survive and navigate in a
3 world where we are the super-minority. As a result,
4 as I stated before, we have women who left the
5 firehouses and are working offline or who have
6 transferred to other firehouses due to the harassment
7 they have faced at work. For example, we've had women
8 who have intentionally been shown porn at the
9 firehouse, women (INAUDIBLE) women's bathrooms as
10 stated before being used by men and left in filthy
11 conditions, women who have been bullied, ostracized,
12 and isolated and many times these women's supervisors
13 are the culprit. What's worse is not much is done to
14 their abusers and to avoid working with them the
15 burden is on the (INAUDIBLE) firehouses. Oftentimes,
16 these women are afraid to report the harassment
17 because they fear the retaliation might be too
18 unbearable or they also fear that nothing will be
19 done once they go to the EEO Office. There's no
20 confidence (INAUDIBLE) the EEO Office having any
21 results on (INAUDIBLE) The 40th anniversary of women
22 firefighters being sworn to FDNY was Sunday, and it's
23 very disheartening to see that many things remain the
24 same in terms of harassment. Also disheartening that
25

2 in 40 years we're only able to increase the number of
3 women firefighters by 96. According to experts, the
4 benchmark for a Fire Department that has no barriers
5 to entry for women is 15 percent of the workforce.
6 FDNY continues to rank among the worst in gender
7 disparity in the country when as a progressive city
8 we should be a leader. I think we are the second
9 worse out of all the major cities in the United
10 States.

11 I've (INAUDIBLE) in this Department and I
12 cannot tell you how many times I've walked through
13 (INAUDIBLE) rooms to get to the office or anywhere
14 else I need to go in the firehouse and I've walked
15 into guys who've been changing. When I was president
16 of the United Women Firefighters, I advised the FDNY
17 many times to purchase dividers as a cheap and
18 effective way to divide up the bunk rooms to make
19 women feel more comfortable. Having separate bunks is
20 standard in every other fire department in the
21 country. It's standard in the military. It's standard
22 even in NYPD (INAUDIBLE) but the FDNY continues to do
23 nothing. We currently have women who lie on
24 (INAUDIBLE) mats in the cramped women's bathrooms
25 during their night tours because they're

1 uncomfortable with being the only woman in the bunk
2
3 room.

4 The other issue I'd like to address is
5 recruitment. In the past five years, there have only
6 been a handful of women (INAUDIBLE) FDNY Recruitment
7 and, since this year, we only had one. There doesn't
8 seem to be a plan for recruiting more women, and I
9 haven't seen anything much for women at all. Only a
10 couple events are done for the year, usually for
11 publicizing or (INAUDIBLE) reasons. This year was
12 just Women's History Month, and there's no long-term
13 presence for having women-targeted events or anything
14 like that. From speaking to women candidates and
15 women probationary firefighters, I know that there is
16 nothing concrete and effective that is being done by
17 FDNY to help these young people get to the finish of
18 becoming a firefighter. There seems to be no plan for
19 hiring and retaining women, and it doesn't seem like
20 the FDNY is taking this as a serious issue at all.
21 Like Bobby said, currently we have a staffing crisis.
22 We have lost a lot of members due to the vaccine
23 mandate and, due to COVID, hiring took a temporary
24 pause and it's really hard to fill that void back up,
25 but, despite the tremendous need for new

2 firefighters, there have been examples of women and
3 probationary firefighters of color who were flunked
4 out of Fire Academy for stringent and unfair reasons.
5 One man of color didn't graduate due to his average
6 missing the mark by a quarter of a point. The FDNY
7 failed one woman who would've probably been our first
8 Mexican American firefighter due to half a point.
9 When I spoke to the Chief of Department at the time,
10 he said well she can try again and when she tried to
11 try again, when she tried to reenlist (INAUDIBLE)
12 they told her that she wasn't allowed to get recycled
13 for no reason. She was half a point away. In the
14 past, people were able to graduate (INAUDIBLE) stay
15 back for a week or two to complete their graduation
16 requirements if they're failing in some subject. This
17 practice has been out the window for years, probably
18 since the Vulcan lawsuit settlement has taken place.
19 The lawsuit really does not cover Fire Academy. It
20 really doesn't so the FDNY (INAUDIBLE) changed
21 graduation standards to be much harder than in the
22 past. Today, it makes no sense that during a staffing
23 crisis that the FDNY is throwing away potential
24 firefighters over fractions of a point. The city
25 spends so much money on each of these people, on

1 their training, on their uniforms, and their
2 paychecks while they're at Fire Academy. (INAUDIBLE)
3 trainees through to graduation. Although strives have
4 been made at increasing the numbers of women
5 firefighters in the Fire Department, more still needs
6 to be done. The bar that the FDNY held for the
7 standard of our treatment was so low it was in the
8 basement. Now, we are in 2022. You must do better.
9 We've tried many times to work with the Fire
10 Department on the issues that were talked about all
11 day today, but the Fire Department chooses not to
12 take any of these concerns seriously. It is out of
13 many years of frustration that we come to the Council
14 for help. Thank you so much for listening to our
15 stories, and I hope this is a start for a long
16 overdue change.

18 I do want to add one more thing. Most of
19 my prepared testimony was talking about experiences
20 of women firefighters, but as an Asian person I do
21 want to say that from the recruitment aspect Asians
22 get very few recruiting events for the year. The Fire
23 Department hosts block parties, the mobile academies
24 that were talked about, all these other programs, and
25 it's not done very much in Asian communities. We're

2 kind of an afterthought for diversity and recruitment
3 in the Fire Department. It's taken so long to
4 (INAUDIBLE) increase the Asian, Pacific Islander
5 firefighters in New York. This year was the first
6 time we had our first South Asian woman firefighter
7 hired. It's 2022. It's just too long to have these
8 firsts happen. With the language and cultural aspect,
9 it is really important that our Fire Department looks
10 like what our city looks like. Thank you.

11 CHAIRPERSON ARIOLA: Thank you so much for
12 your testimony.

13 COMMITTEE COUNSEL KINGSLEY: Thank you,
14 Sarinya. Next, we'll hear from Oren Barzilay, Michael
15 Greco, and Arlene Simmons followed by Louis Holmes
16 and Anita Daniel. We'll start with Oren. I will
17 unmute you on the Zoom. Just bear with me.

18 OREN BARZILAY: Hello. Good afternoon,
19 everybody. My name is Oren Barzilay. I am the
20 President of Local 2507, representing 4,000 uniformed
21 EMTs, paramedics, and fire inspectors. I want to
22 first thank the Speaker for her long commitment on
23 this issue as well as the Chair of the Committee on
24 Emergency and Fire Management. Local 2507 supports
25 the proposed bills discussed today. They will provide

1 important data to help hold the Department
2 accountable. But to solve the problem with lack of
3 diversity in the FDNY, we must end the practice of
4 disparate compensation for FDNY's first responders.
5 Some may pay equity is a different issue, but it's
6 not. It is central to the issue of diversity in the
7 FDNY because as long as there is a system of haves
8 and have not, those who have will work to maintain
9 that status quo. To understand the problem, we can't
10 just look at the demographics of firefighters. We
11 must also look at the demographics of EMS and the way
12 the Department treats these first responders
13 disparately as to the compensation and prestige
14 despite being an integrated Department. Today, the
15 challenge is no longer just a discriminatory barrier
16 to entering the Department. While that still exists,
17 as the statistics show more diverse recruits are
18 entering the FDNY. The problem is that they are only
19 allowed on the EMS side where they are paid
20 significantly less, allowing the Department to
21 continue its practice of exclusion. Since 1996, the
22 FDNY has operated as an integrated department
23 dispatching firefighters and EMS to the same
24 emergencies. Despite responding to the same
25

1 emergencies, facing similar risks on the job, and
2 respectfully handling 90 percent of the 9-1-1 calls,
3 EMS is given on 14 percent of the budget and paid a
4 fraction of the salary of our colleagues on the Fire
5 side. This in no way means our brothers and sisters
6 on the Fire side should not be compensated as they,
7 and we highly respect their heroic work. What this
8 does mean, however, is by letting women and people of
9 color into the Department but only placing them on
10 the EMS side while greatly reducing pay and benefits
11 for that side, the Department is able to claim they
12 are diversifying the Department while perpetrating
13 the underlying problem which is the lack of equal
14 employment opportunity. It is no wonder that even
15 with the court oversight, the Department has been
16 unable to diversify the Department despite its
17 recruitment efforts. As you will hear from Deputy
18 Chief Simmons, the recruitment efforts focusing on
19 diversity, some of which have been discussed today,
20 do not actually achieve those results. In order to
21 solve the problem with diversity, we have to stop the
22 Department from segregating its first responders by
23 removing the extreme difference in pay, benefits, and
24 resources. This will remove the incentive and
25

2 motivation to exclude women and people of color from
3 one side of the Department and funnel them to the
4 other. It is also the right thing to do. Thank you
5 for all your hard work on this issue.

6 COMMITTEE COUNSEL KINGSLEY: Thank you,
7 Oren. Michael, you may go next, Michael Greco.

8 OREN BARZILAY: If I can add, Darrel
9 Chalmers is part of our panel. He was not mentioned.

10 COMMITTEE COUNSEL KINGSLEY: Yeah, he can
11 go as well. Michael.

12 OREN BARZILAY: Okay. Thank you.

13 MICHAEL GRECO: Thank you very much. My
14 name is Michael Greco. I'm the Vice President of
15 Local 2507. I just want to say good afternoon.

16 I want to pick up where my President, Mr.
17 Barzilay, left off. To reiterate, Local 2507 supports
18 the proposed bills discussed today, and we also ask
19 that this Committee consider seriously how pay
20 inequity directly impacts the effort to diversify the
21 FDNY. Year after year, the Department appears before
22 this Body trying to convince it that hiring 70 women
23 is a big step forward in a workforce of almost
24 11,000. If we accept the argument that the Department
25 increases diversity by 1 percent every year, it will

1 be half a century before the problem has been
2 corrected. It has already been more than two decades.
3 It was 2002 when the Vulcan Society filed its
4 landmark EEOC complaint against the Department,
5 alleging discriminatory hiring practice. That matter
6 is still pending today. Less than a year ago, the
7 then-Commissioner Nigro was ordered to appear before
8 the court because of the Department's continued
9 discriminatory employment practices. In 2019, the
10 unions representing all FDNY/EMS first responders
11 filed an EEOC complaint alleging discriminatory pay
12 practices. More than 10 years ago, the court ordered
13 a federal monitor assigned to the FDNY because the
14 Department was essentially discriminating in its
15 hiring practices. That monitor is still overseeing
16 the Department today. The Department claims it's
17 moving in the right direction, but, if we look
18 closer, we see the opposite. The increase in
19 diversity the Department has touted today on the Fire
20 side is smaller than the overall increase in
21 diversity in the city's workforce. In other words,
22 they are not even maintaining the status quo. The
23 Department wants us to scratch our heads and resign
24 ourselves to the idea that it's just difficult to
25

2 diversity. It should not be this difficult. This is
3 not a problem of recruitment; it's a problem of
4 intention. As the federal court found, the Department
5 is intentionally discriminating in its hiring
6 practices. Thanks to the work done by the court, the
7 federal monitor and others, women and people of color
8 are coming into the Department. While the Department
9 offers these new statistics to claim that that
10 problem...

11 SERGEANT-AT-ARMS: Time expired.

12 MICHAEL GRECO: Is going away, it's not
13 because a new problem has emerged, a segregated
14 workforce of first responders in the FDNY. These
15 recruits are not given the opportunity to work as
16 firefighters but instead are funneled to the EMS side
17 where they're severely underpaid, undervalued, and
18 allowing the Department to continue its practice of
19 exclusion. The only way to remedy this is to remove
20 the disparate treatment between what is now two
21 classes of first responders, making it equally
22 prestigious and financially beneficial to work as an
23 FDNY first responder regardless of which bureau will
24 remove the motivation that causes the disparity in
25 demographics. Remove the ability to relegate women

1 and people of color to a lesser paid position and you
2 remove the impetus for exclusionary practices. To
3 reiterate, we've had people come up here and talk
4 about the "promotional" exam and that would increase
5 the ranks. The reason why the EMS ranks are used to
6 increase diversity is because the systemic, what we
7 feel is racism towards EMS. You keep the women, the
8 minorities, and the people of color at a lower pay
9 and underappreciated and when we put this dangle of
10 promotion in front of you, it'll make them want to
11 increase our workforce on the Fire side. That is an
12 unsustainable way to promote diversity on one side,
13 by beating down one side of the service, which is
14 what I represent, the EMS side. I thank you for your
15 time and commitment to the important work. There is a
16 lot to be said about the disparate treatment between
17 a firefighter and between an EMT and a paramedic and
18 a fire inspector. I heard a lot of testimony about
19 bathroom keys and women being able to get in their
20 own bathroom. My females on this job have to beg a
21 7/11 employee to use their bathroom. We have to beg
22 people on corners to use their bathrooms. So if we're
23 talking about trying to fix what might be a dirty
24 bathroom in a firehouse, understand that 30 percent
25

2 of the females in FDNY are using bathrooms on corners
3 and with no protection of whether or not there's even
4 a camera in these bathrooms. Thank you for your time.
5 I'm available for any questions you have.

6 COMMITTEE COUNSEL KINGSLEY: Thank you,
7 Michael. We'll turn to Arlene Simmons then Daryl
8 Chalmers. Arlene.

9 ARLENE SIMMONS: Good afternoon. Can you
10 hear me?

11 COMMITTEE COUNSEL KINGSLEY: Yes.

12 ARLENE SIMMONS: Good afternoon, everyone.
13 My name is Arlene Simmons. I've been an EMS first
14 responder for the City of New York since 1993. I
15 currently serve as the Deputy Chief in the EMS Bureau
16 of the New York City Fire Department. From July of
17 2016 to August of 2018, I was assigned to the Office
18 of Recruitment and Retention for the Fire Department.
19 The Office of Recruitment and Retention is an
20 integrated unit that recruits both EMS first
21 responders and firefighters together. Our recruitment
22 efforts included tabling and other outreach efforts
23 that targeted women and communities of color. We were
24 instructed to staff these tables with FDNY
25 representatives who were women and people of color to

1 portray a sense of diversity in the Department. A
2 primary duty in these recruitment efforts was to get
3 as many people, specifically women and people of
4 color, to fill out the expressions of interest or
5 EOIs. EOIs are forms people fill out to express an
6 interest in applying to the Department, either for
7 the EMS side of the Fire side, after which the
8 Department is supposed to follow up to help these
9 individuals apply for the position they are
10 interested in. Most of the people who come to our
11 tables were interested in the firefighter position in
12 large part because of the substantial difference in
13 pay and benefits between EMS first responders and
14 firefighters, but we were specifically instructed to
15 have the people we targeted for recruitment fill out
16 EOIs for both EMS and Fire. In other words, we were
17 told to encourage the mostly women and people of
18 color who engaged with us and expressed an interest
19 in becoming a firefighter to also fill out an EOI
20 expressing an interest in EMS even when they did not
21 have that interest. We were told to advise them that
22 this helps provide more opportunities to become a
23 firefighter and that they should keep their options
24 open.
25

2 SERGEANT-AT-ARMS: Time expired.

3 ARLENE SIMMONS: After both EOIs are
4 filled out, non-white and female applicants were then
5 encouraged to apply for EMS because they were told
6 that there is not a long waiting list on the test
7 like Fire, that it is easier to get in, and that they
8 could start on the EMS side which was easier to get
9 into then transfer to the Fire side later which then
10 rarely happens.

11 I also want to briefly respond to the
12 administration's statements regarding the outreach
13 they do in high schools as a recruitment tool for
14 firefighters. In fact, these high school recruitment
15 efforts also do not result in diversification in a
16 meaningful way. As an initial matter, firefighters
17 have an age requirement of 21 so most high school
18 graduates will not meet that requirement to even
19 apply for a firefighter for many years after
20 graduation. Like the other recruitment, these diverse
21 high school graduates are more regularly encouraged
22 to enter the FDNY as EMS with promises that they can
23 be a firefighter at a later time. As a result, the
24 process that was supposed to track and support
25 recruitment to diversify the FDNY by bringing in more

2 diversity to the almost exclusively white and male
3 side of the Department has the actual effect of
4 funneling women and people of color into the EMS side
5 so that the Department continues to be segregated
6 with almost exclusively white men being let into the
7 Fire side and almost all women and non-white
8 applicants who matriculate into the FDNY being hired
9 and kept on the EMS side. In the decades that I've
10 worked as an EMS first responder in the FDNY, the
11 exclusionary and discriminatory culture that
12 permeates the FDNY has not gotten better. It persists
13 and, in fact, finds ways to circumvent efforts like
14 the recruitment initiatives I just described to
15 maintain the status quo. There is a predominately
16 white and male side of the Department that is
17 respected, valued, and resourced and another side
18 that is predominately women and people of color that
19 is undervalued, underpaid, and subject to unfair
20 working conditions. These first responders show up to
21 the same emergencies and have the same risks on the
22 job, but we're treated completely different by our
23 employer. It is, in my opinion based on decades of
24 firsthand experience working directly in the FDNY's
25 Office of Recruitment and Retention, that as long as

2 the Department is allowed to continue a policy where
3 it values the Fire side but does not value the EMS
4 side, there will continue to be serious problems with
5 diversity and equal employment opportunity in the
6 Department. Lastly, it is my opinion that this change
7 will not come from within the Department despite the
8 efforts they represent they are taking as illustrated
9 with their recruitment efforts. Thank you for your
10 time and thank you for allowing me my testimony.

11 COMMITTEE COUNSEL KINGSLEY: Thank you so
12 much. Next, we'll hear from Daryl Chalmers on Zoom
13 followed by Louis Holmes, Anita Daniel, and then
14 William West in person. Daryl, you may go on Zoom and
15 then we'll have those other people come up here and
16 testify in person. Daryl, you may begin once you're
17 unmuted.

18 DARYL CHALMERS: I'm unmuted now?

19 COMMITTEE COUNSEL KINGSLEY: Yeah, go
20 ahead.

21 DARYL CHALMERS: Okay. My name is Daryl
22 Chalmers. I'm on the Executive Board of Local 2507
23 for the Fire Protection Inspectors and with the EMTs
24 and paramedics, but I'm mainly for the Fire
25 Protection of the Fire Department. I agree with this

1 bill that the City Council wants to adhere right now,
2 but I also want to talk about certain issues when it
3 comes to fire prevention but I also want to touch
4 upon the subject of EMS on the issue that if you look
5 at the rest of the United States in this country,
6 it's EMT, firefighter, and fire inspector are all one
7 in most departments. Fire prevention inspectors, we
8 work a lot with firefighters and a lot of
9 firefighters that I do work with used to be EMTs and
10 the only reason why they went over to the Fire side
11 is because of the salary. I have fire protection
12 inspectors who are now mostly lieutenants or captains
13 on the job who were with me for like five years and
14 they had to take the open competitive test to become
15 firefighters because when I asked the past
16 Commissioner to ask for promotion to firefighter, he
17 said we weren't allowed. Remember, fire prevention is
18 85 percent minority on this job. We're 85 percent
19 minority. Firefighters and fire inspectors are the
20 only peace officers on this job. We're the only two
21 groups in the Fire Department that do firemanics and
22 understand firemanics and we assist and help the
23 firefighters and lieutenants and captains all the
24 time and we work very well with them, but a lot of
25

2 discriminatory practices that the Fire Department has
3 done in the past has been very bad for us, mainly for
4 people of color. Like I told, we're 85 percent. At
5 one time, they wanted to give us yellow shirts
6 because they said they didn't want us to look like
7 firefighters. We're predominately minority and
8 remember we're the peace officers. At the same time,
9 when it comes to fireworks, if I tried to talk to the
10 press office to do any type of statements on how well
11 we're doing with the fireworks, with Macy's
12 fireworks, if you see that, we're the only ones on
13 the barges who are handling that. When it comes to
14 keeping fires down...

15 SERGEANT-AT-ARMS: Time expired.

16 DARYL CHALMERS: The previous
17 administration would always mention that fires are
18 down because of firefighters, EMS, and fire
19 dispatches, and we're the reason why fires are down.
20 Not knocking the work they do. They do an
21 outstanding, but every time we walk into a building
22 to make sure it's safe for firefighting operations,
23 for firefighters to fight fires, and for the public
24 to be safe including the building that you're in
25 right now, we never get the credit for that, and I'm

1 definitely going to say that's because we're 85
2 percent minority. When I met with Mayor De Blasio, I
3 met with Mayor De Blasio, it was me as a Vulcan
4 member, Mayor De Blasio and I can also say
5 Commissioner Kavanaugh was there, and after the
6 meeting De Blasio said I will make sure you guys get
7 white shirts and class A uniforms, and Kavanaugh, at
8 the time she was working for De Blasio, even said to
9 me this will happen. I've had problems in Fire
10 Prevention where Chief Hodgens and the Acting
11 Commissioner have made moves to make things better
12 for me here in Fire Prevention, and I have to give
13 them credit for that. In fact, when she was made
14 First Deputy Commissioner, she made a statement about
15 firefighters and about protecting our fire inspectors
16 and our EMTs and we almost passed out and fainted
17 because that's the first time anybody has mentioned
18 that. The Chief of the Department, Chief Hodgens, has
19 said the same thing. We've had CO meters taken from
20 us, and then now the new administration has worked on
21 getting that back for us. We, since I've been on this
22 job, I've always wore a bunker coat that said Fire
23 Prevention on it that's refurbished for our safety
24 when we're doing fireworks and the old administration

2 took it away and now, with the new administration
3 that's in there, they're bringing it back for us. I
4 must say even the new Chief of Fire Prevention has
5 been doing a good job in communication with us. I
6 just want to say there's a lot, trust me we can go on
7 for hours with this subject, there's a lot of
8 discrimination. There has been some change, but we
9 have to do better. That's all I can say and thank you
10 for my testimony.

11 COMMITTEE COUNSEL KINGSLEY: Thank you so
12 much, Daryl. Next, we'll hear from folks on the table
13 so you all can go in whatever order. Just introduce
14 yourselves.

15 LOUIS HOLMES: Good afternoon. Thank you
16 for your time. I'm Firefighter Louis Holmes. I work
17 at 10 House, which is right down the street near the
18 World Trade Center. I sent some photos to Miss
19 Pinterello (phonetic) that I would like you to
20 review. There's a bulletin in those photos that
21 basically, it was revised but, unfortunately, FDNY
22 still follows these rituals and practices. Also, I
23 just wanted to address that there's a climate within
24 the FDNY where members are becoming radicalized
25 within the firehouse, and that needs to be addressed

1 and it needs to be nipped in the bud because it's a
2 matter of safety. When I say radicalized, meaning
3 like all during the Trump election and still now,
4 people are very enraged, these members are very
5 enraged that we have a black Mayor in the city.
6 There's a lot of white privilege activity that's
7 concealed, and I confront it so I walk into an
8 environment where I'm unwelcomed because I'm
9 straightforward and I tell them how it is and they
10 don't like it. There's a member who, in my station,
11 was saying that George Floyd is a piece of shit and
12 he was talking about justifying the Trayvon Martin
13 shooting and saying that the NYPD should start
14 shooting all black people, and I addressed this, I
15 filed an EEO complaint. He still works there, and no
16 action has been taken, and I'm still in the same
17 house with him so I just don't say nothing to him,
18 but I'm still in the same house as him because he has
19 more time than me. These are just things that need to
20 be addressed. I've addressed to EEO. I notify BITS. I
21 even contacted the City's Department of Investigation
22 so I just wanted to bring that to your attention.
23 Thank you very much for your time though.

2 CHAIRPERSON ARIOLA: Thank you for your
3 testimony. So is it that you haven't heard back from
4 EEO yet or it's just...

5 LOUIS HOLMES: I retained an attorney,
6 and, at that time, I believe EEO said that the matter
7 was being taken care of by the State. Even still,
8 it's still a matter of security and safety that
9 should be addressed. I brought it their attention.
10 Even BITS, BITS should still look into it and they
11 don't. The reason why is because I believe there's a
12 conflict of interest where there are members in BITS
13 that have ties to either members to the UFA or have
14 ties to actual firefighters in the station and it
15 gets swept under the rug or when you file these
16 complaints and you bring it to their attention, you
17 say listen I want this to be confidential only
18 because you know the backlash you're going to get.
19 It's not confidential. At some point, the information
20 is going to be disseminated throughout the Department
21 and then you'll be labeled as a rat. There's a photo
22 that I sent you where I filed an EEO complaint and
23 they put a rat on my picture in the firehouse and the
24 Captain at the time had to remove it and nothing was
25 done about it. The Captain retired so he can leave

2 the Department and move on with his life even though
3 that was his responsibility to protect every member
4 and he didn't do that. Same thing with the former
5 Commissioner, he's retired, he gets to enjoy his
6 pension, yet all this took place under his watch with
7 no penalties yet the City will be sued and the City
8 has to pay, but what about these leaders who were put
9 in place like the Commissioner and these captains and
10 these lieutenants that don't do anything.

11 CHAIRPERSON ARIOLA: Thank you.

12 COMMITTEE COUNSEL KINGSLEY: Thank you. I
13 would just say, anything you send to the Council, if
14 you could just send it to testimony@council.nyc.gov
15 just so we could have that as well.

16 LOUIS HOLMES: Okay. What was that again?

17 COMMITTEE COUNSEL KINGSLEY:

18 testimony@council.nyc.gov

19 LOUIS HOLMES: Will do.

20 COMMITTEE COUNSEL KINGSLEY: Okay. Thank
21 you.

22 ANITA DANIEL: Good afternoon and thank
23 you all for listening. Trying to put an eight-year
24 battle into a two-minute speech but I'm sure I can do
25 it because I've dealt with harder obstacles managing

1 the policies and regulations as well as the members
2 within the FDNY. I kind of want to give you guys my
3 personal testimony, and I want to invite you to three
4 pivotal moments in my career that showed me the true
5 colors of this Department. The first being my second
6 day within the firehouse. I actually came in with a
7 male individual. I was cooking inside of the kitchen
8 with other members, and I felt a warm sensation that
9 turned into a burning sensation on my leg. I had no
10 idea what it was so I looked back, and there was a
11 piece of paper on fire on my shoe. The guys were
12 laughing about it. I guess they expected me to jump
13 and be scared and maybe run. I just put it out. I
14 addressed with the senior member because that's what
15 you're told to do as a new firefighter. Go to your
16 senior man. Don't go to EEO. Don't let them know. Let
17 everything stay within the firehouse. Let it all be
18 handled within the firehouse. That is what I did.
19 Nothing was done. He told me, oh, he's a good guy,
20 don't worry about it, it won't happen again. From
21 that moment on, the microaggressions just kept
22 getting worse. It led to filling my gear with unknown
23 wet substances, having my gear hanging from the
24 ceiling even though the hazing policy was in effect
25

2 at that time, pulling people away from me as I spoke
3 with them, tampering with my food, making comments
4 such as there's no way you can do this, telling new
5 members not to learn or work with me, basically
6 putting me in exile. This led to me spending a lot of
7 time in my bathroom, getting to know it very well.
8 I'm all of 5'3", and, when I turn around in my
9 bathroom, it's a tight squeeze. Not only is the
10 bathroom extremely tight, but I also at that time
11 feared for my safety. I didn't know who to turn to
12 because, again as a new firefighter, you're told not
13 to go to EEO, you're told to keep it in the house, to
14 go to the senior man, don't let the officers find
15 out, and things of that nature so instead of actually
16 speaking I found myself in the back room when we're
17 supposed to be taking it easy if we're not on call
18 with my knife open, sitting, just waiting for someone
19 to come because I feared for my life at this point
20 but had no one to turn to, no one that I could talk
21 to. This led to my first EEO complaint when I had
22 suffered the loss of my unborn child, I unexpectedly
23 visited the firehouse only to be met with feces
24 smeared on the toilet seat and inside of the toilet.
25 I took a picture and addressed with the senior

1 members and then I took it upon myself to show it to
2 the officers on duty because this was too much.
3 Everyone has their limit, and, again, nothing was
4 done. It was found unsubstantiated within the EEO
5 office. We have a women's meeting with the Borough
6 Commanders. At that time, it was Chief Wayne
7 Cartwright, and, after talking with him and kind of
8 telling him look, I'm going through all of this
9 stuff, what is it that you can do for me, who can I
10 turn to, he tells me that he heard through the
11 grapevine that I was going through all this stuff but
12 because I didn't follow the proper chain of command
13 and because I went to EEO that he was unable to help,
14 that he was unable to do anything to make me feel any
15 more comfortable in my firehouse or reprimand the
16 members who had consistently been causing these riffs
17 and problems within the firehouse. After submitting
18 numerous complaints to EEO, the majority of it all
19 being found unsubstantiated, I guess the Borough
20 Command, I'm saying that wrong, it wasn't Chief
21 Cartwright, it was Chief Richardson at the time had a
22 meeting with all of the bosses in my firehouse where
23 they decided that the best they could do was to make
24 the members follow the already regulated FDNY work
25

2 schedule which is two day tours, two night tours on,
3 they weren't allowed to 24s, and it only lasted for a
4 month. That was the hardest punishment that anyone
5 could get for all of those things that I had just
6 mentioned. This leads to my third thing, July 7,
7 2022, a few months ago, a Captain actually found
8 himself touching my behind. There is a video of it.
9 Commissioner Kavanaugh has actually shown this video
10 to members who were not me, a few other captains on
11 this job before I even saw the video while this video
12 is being investigated the District Attorney, and the
13 only thing that happened to this member, he wasn't
14 allowed to work in the position, to do overtime that
15 he was at, he's still allowed to do overtime in his
16 firehouse, he's still allowed to work with women,
17 this sexual predator is still in the FDNY working
18 with no reprimands while I...

19 CHAIRPERSON ARIOLA: Take your time.

20 ANITA DANIEL: Had to miss out on huge
21 amounts of pay due to the inability for my mental
22 health of working while I had to lock myself in the
23 bathroom, turn the water on to muffle my cries so
24 that my children wouldn't hear me. Being so violated
25 and constantly traumatized by this Fire Department

2 has just led me to ask for you guys to challenge the
3 inefficiency of the EEO Department and to have it
4 moved to an outside agency unaffiliated with the FDNY
5 because, as we all know, doing the same thing over
6 and over again and expecting different results is the
7 literal definition of insanity and, two, to
8 restructure firehouses to be more inclusive and
9 expectant of women. Again, I'm all of 5'2". Turning
10 around in my bathroom is a problem. They're not
11 expecting so many women on this job and that needs to
12 be addressed. Thank you, guys, so much.

13 CHAIRPERSON ARIOLA: Thank you so much for
14 your testimony.

15 WILLIAM WEST: Hello. I'm glad you went
16 first. That encapsulates a lot of what I needed to
17 say here. My name is William West. I'm a New York
18 City firefighter. I was also the Outreach Coordinator
19 for the African Americans with the Fire Department
20 through that tremendous campaign that we did have so
21 I did work under the constituency that was here
22 prior. Just like many of the people here, I have a
23 perfectly clean FDNY record and civic record. I'm
24 here because I wanted to let everybody know that the
25 EEO Department and BITS have failed. Right before I

1 say that, in regards to this lawsuit that everybody
2 talks about that the Vulcan Society has won, that was
3 administratively and for recruitment department. The
4 same racist tones are still present within the Fire
5 Department today so the only wins that were accrued
6 by that was the fact that there were things that were
7 shown that were tangible that now changed how we
8 recruit and now change how we try to retain. That's
9 it, but the tone is still maintained, and that's
10 where BITS and EEO is supposed to come into play as a
11 safe space or a place where we are able to get some
12 sort of help in regards to things that are
13 consistently going on. There was no come to Jesus
14 moment for the Fire Department. It was only a court-
15 regulated mandate that they had to now keep in place.
16 That's it. In regards to BITS and EEO, my testimony
17 is very short. It's tremendously large font. It's
18 only four pages, but it's really big font so it'll be
19 over soon. EEO has an alarming ratio of finding cases
20 of black firefighters versus officers
21 unsubstantiated. Black firefighters have often
22 provided tangible evidence which spans from character
23 assassination to forgery, historical patterns of
24 racism corroborated with testimonies for proof, and
25

1 cited procedures and regulations that are violated.

2 With all the above submitted, black firefighters

3 routinely have their cases unsubstantiated by far

4 weaker and lesser submissions on the behalf of the

5 officer. Thank you. When EEO is asked what is the

6 burden of proof that is substantiated for a

7 firefighter's case to be substantiated, it's apparent

8 that there seems to be no viable system in place

9 which is why the Vulcan Society responded with an

10 assessment of no confidence in the EEO Department.

11 EEO presently operates in such a murky fashion that

12 black firefighters know this process will not be much

13 of an assistance. In fact, it's a hurdle and an

14 obstacle. EEO and BITS is just a checkbox that must

15 be checked for the claimant to then be able to enlist

16 outside help. Yet, that EEO checkbox will almost

17 absolutely prove damaging to the black claimant. The

18 unsubstantiated EEO claim that is eminent then

19 handicaps the efforts of the black firefighter's

20 outside effort since it is unsubstantiated and that's

21 the foundation established by the EEO and BITS

22 organization. The black firefighters are at a loss.

23 Already with no answers available, EEO along with

24 BITS provide virtually no way for the claimant to

2 obtain the information pertaining to their cases. A
3 FOIA request can be made but is routinely denied,
4 thus leaving the claimant with no way to continue
5 with outside assistance, and, when with the
6 unsubstantiated claim, it tarnishes their career and
7 leaves them open for retaliation, which occurs in
8 many different ways.

9 In closing, the EEO and BITS Departments
10 have routinely circumvented any racial biased
11 language in their summarizations toward white
12 officers. The EEO Office Department has forced
13 mediation to absolve the officers of penalty. The
14 same practice is not given to the firefighter in
15 their situations. The EEO Office and BITS is proven
16 to be toothless towards officers when executing
17 penalties and, lastly, shown to be detrimental to
18 black firefighters making claims.

19 It's my recommendation and hope that the
20 EEO and BITS Department structure somehow mirror the
21 NYPD as they NYPD has a community review board that
22 will hopefully not be influenced like the EEO board
23 is.

24 Last two points is Don Nguyen, he earlier
25 in this meeting has said that he works very closely

1 with Operations. The problem is that Operations is
2 the Fire side so he, the civilian side of the Fire
3 Department works with Operations. I make a claim, a
4 firefighter makes a claim towards the officer, that
5 is Operations. This is why there's such a cohorts, if
6 you will, it looks like everything is murky on that
7 side because nothing ever comes down direct because
8 he has to talk to Operations which then trickles down
9 the information to the officers and that's how
10 information gets disseminated that's supposed to be
11 confined within that realm of me and the EEO Office
12 and also there's never a hard penalty given to the
13 Operations side since they handle it. The
14 substantiated cases that he talked about earlier
15 today, they also incorporate EMS. He was not
16 definitive in talking about the Fire Department side
17 of substantiated cases, which is almost none. Lastly,
18 his directives are not always followed in the field.
19 That's why I would say that EEO and BITS is toothless
20 because there were directives that were given for
21 firefighters to return back to their firehouses which
22 Operations did not honor.

24

25

2 I don't want to go into any personal
3 cases, but that's my testimony, and, if you have any
4 questions, I'm definitely open to answer them.

5 CHAIRPERSON ARIOLA: Thank you for your
6 testimony.

7 COMMITTEE COUNSEL KINGSLEY: Thank you.
8 Next, we'll hear from Tyeesha Pugh (phonetic)
9 followed by Alonzo Baker and Corey Boykins.

10 TYEESHA PUGH: I should be real quick. I
11 guess first I would like to talk about the bathroom
12 facilities. I agree that they should be updated. I
13 guess my personal experience is I know my bathroom is
14 really only set up for one person. If we want to be
15 inclusive, we want more women around, they should be
16 set up for more women to come in. Also, even more
17 comfortable for the guys because the guys change in
18 the hallway, and other firehouses are like that.
19 Mine's not the only one. They try not to be naked and
20 whatnot, but it would definitely be more comfortable
21 if we all had our changing facilities. I also know in
22 my battalion there's two firehouses where the women's
23 restroom is in the bunk room so one of the girls when
24 she comes in in the morning, she'll change in the
25 bathroom downstairs because the lights are off and

2 everybody's sleeping. Yeah, some people have to deal
3 with that. I've also been to a detail where the
4 bathroom was, somebody went (INAUDIBLE) to clean up
5 the bathroom and the toilet was clean but then the
6 shower had boxes in it so I'm like if we do get a
7 fire I won't be able to take a shower but that's
8 that. The second thing I'll just speak on, the no
9 confidence in EEO. I was in a house where, just to
10 let you know, the senior person in a firehouse, as a
11 junior person like me, as a junior female coming into
12 the firehouse, it was a scary situation so your
13 senior people take care of you. Like Anita was
14 saying, a lot of times you can go to the senior
15 person when you have problems, and I had a great
16 senior person where I could go to with problems and
17 they would take care of them. I had great senior
18 people in that house and so they had a situation
19 where we had problems with the supervisor so he had a
20 complaint put on him by a supervisor and it went
21 through EEO. EEO did their process, and it came out
22 in his favor, but they actually sent him out of the
23 house. Even though it was in his favor, he stayed out
24 of the house for several months and the boss stayed
25 in the house. That whole thing changed the whole

2 temperature of the house because now people feel like
3 it seems like nothing happened, no punishment was
4 given to the officer who had complained, it was not
5 in his favor, it came out that his complaint was in
6 the wrong and nothing really happened to him. That's
7 my thing about no confidence in EEO.

8 COUNCIL MEMBER MEALY: I'm sorry I wasn't
9 here earlier. I didn't know this hearing was going
10 on. I heard someone say that you would have to go to
11 the bathroom at 7-Eleven, the ladies. Have you ever
12 experienced that?

13 TYEESHA PUGH: No, I haven't had to go to
14 the bathroom at 7-Eleven.

15 COUNCIL MEMBER MEALY: I would love to
16 find out what situation that a New York City
17 firefighter would have to go to a bathroom at Dunkin
18 Donuts or anywhere else other than a, I don't know
19 where the men go if they're out on a, I would love to
20 start hearing that. Just with this hearing, it's
21 mind-blowing that in this day and age women and men
22 are going through this, and it's almost like we
23 should have something in place with a whistleblower
24 instead of EEO because so far it looks like nothing
25 is happening. The little time I've been here,

2 witnesses have stated over and over that nothing
3 happened after they go to EEO. That is something
4 wrong and to be in the house, imagine a husband and
5 wife who had an argument and they're really at odds
6 but they got to stay there, and that's almost what
7 living in a firehouse is going on so I am here. I
8 want to get on this legislation, and I'm looking
9 forward, please use me as a resource because this day
10 and age change has to come, and I'm Councilwoman
11 Darlene Mealy, Brooklyn.

12 COMMITTEE COUNSEL KINGSLEY: Thank you so
13 much, Council Member. Go ahead.

14 JACKIE-MICHELLE MARTINEZ: Firefighter
15 Jackie-Michelle Martinez, President of the United
16 Women Firefighters. To answer your question,
17 Councilwoman, that example was given about EMS. EMS
18 is on an ambulance and they have an 84 position.
19 That's a position where they sit in their general
20 area before they go to their calls, and,
21 unfortunately, they're not close to their EMS
22 station. The majority of people are dispatched
23 throughout the city, meaning they have an 84 place
24 where they sit before they get their calls before
25 they're dispatched to an emergency. They have a

2 cross-street location and they sit in that cross-
3 street location, but if they have to use the bathroom
4 they call the dispatcher to request for facilities
5 use, to get a 100, that is an actual code, and then
6 they can go to any bathroom but, unfortunately, it's
7 public bathrooms. EMS will have to now, if they're
8 close to a firehouse most of them knock on the door
9 and request to use the first floor bathroom which is
10 the gender neutral bathroom in every firehouse, or
11 they try to go to the closest, you know you never
12 know when you have to go, you have to go to the
13 closest bathroom and, unfortunately, even in our
14 uniforms, there's businesses that say it's for their
15 employees so that's some things that they may face.
16 Firefighters, we're blessed enough to have our own
17 facilities. I need to stop saying that. We're not
18 blessed. It's an obligation for the city if you're in
19 a firehouse to provide adequate facilities, and
20 unfortunately the facilities are not adequate for
21 women as well as for men. The men don't have a
22 changing room. Majority of the firehouses men go to
23 the bathroom and then their lockers are dispatched in
24 an open area. They don't want to change their either.
25 Women, they take phone booths and slop sinks and they

2 make a closet into a bathroom because they realize
3 that women are not in a great number so most
4 firehouses, when you look at the female facilities,
5 can't even house two lockers. If there's two women in
6 a firehouse, the bathroom can't even house their
7 locker. It's usually outside of the facility so they
8 need an overhaul on the bathrooms to accommodate the
9 influx of women that they projected to get on.

10 COMMITTEE COUNSEL KINGSLEY: Thank you for
11 clarifying that. Go ahead.

12 ALONZO BAKER: Good morning, everybody. My
13 name's Alonzo Baker. I'm a firefighter. I'm going to
14 try to make this a tad brief. Just like Regina
15 Wilson, Jackie Martinez, and you have Tyeesha, Anita
16 who was here a minute ago, you got Will West, Louis
17 Holmes is here, you have so many people that are here
18 testifying the same exact thing, and I don't know, I
19 hope that this does something. Just like Council
20 Member Darlene just heard just now and now she's on
21 board with just hearing it after a few seconds. If
22 you have somebody that you go home to, whoever your
23 children are, your grandchildren are, and they are
24 having problems at work then they still have to go
25 back to that same job where they're being abuse at,

1 you'd probably do something immediately, but we can't
2 do anything because we have to still put food on our
3 tables. We still have to go back to the place where
4 we're being mistreated and abused every single day to
5 go fight for every other person in the city, but it's
6 extremely disconcerting. EEO and BITS are
7 retaliatory, nepotistic entities. That's what they
8 are, and it needs to be restructured to better serve
9 its members. EEO is a retaliatory, nepotistic entity,
10 EEO and BITS, that needs to be restructured to better
11 serve its members. They both work in collaboration
12 with each other, and they both make sure that the
13 Department stays looking good to the public. That's
14 the reason why all of them were here earlier. EEO
15 doesn't need to be here, but they're here because
16 there's a problem of some sort big enough where all
17 of you have to listen to it so obviously something is
18 wrong. Then when you hear all of our testimony, now
19 you hear what's going on. This is just from the brave
20 people that were here, the people that were brave
21 enough to come forward today. I still have to go back
22 to work. They do too. They still have to go in and
23 face these same people who mistreat them in a
24 firehouse. We all do. We have to. Otherwise, we can't
25

2 put food on our tables, but you all get to go home
3 and do whatever it is you usually do. We still have
4 to deal with this stuff every day, and it's not fair.
5 The intimidation of EEO. I particularly had a case
6 where I told EEO some of the racial injustices that
7 were happening. The witnesses that I told them to
8 talk to, Don Nguyen specifically made it a point to
9 have other firefighters at these meetings, other
10 union members at these meetings that he didn't tell
11 them that they were going to be there so imagine you
12 go ahead and you have a problem, let's say Council
13 Member Carr has a problem with Darlene and you go
14 ahead and tell someone else, but all of Darlene's
15 friends are going to be there, all of them, so what
16 are you going to do? You're either going to be quiet,
17 go back to work, or you're going to have to deal with
18 that again, and that's what happens. He made sure
19 that all of these people are here at these meetings
20 to intimidate all of your witnesses so that way when
21 they go up and speak on your behalf, they shut up.
22 Oh, such and such said something about (INAUDIBLE)
23 representation but he didn't give the house up, they
24 didn't give the house up, to make sure that the house
25 looks good because if they say anything on your

1
2 behalf then it makes them look bad, and, believe me,
3 they don't want that heat any more than you do so
4 you're just one member out of 50 or so in a firehouse
5 and you don't want to have to deal with that problem,
6 that's just some guy you work with. BITS itself, BITS
7 is supposed to be the other part of the Department
8 which deals with the criminal aspect of things. BITS
9 has made it a point to bring people up on charges
10 without even speaking to them. I'll say it again.
11 BITS has brought people up on charges without even
12 talking to them. I am pretty sure that's illegal. I
13 don't know, but I'm pretty sure it is, but this is
14 what is happening. This is my testimony. This is what
15 is happening. I don't know if it was Councilwoman
16 Joanne or was it Councilwoman Williams who asked Don
17 a question and she said how long does it take to
18 interview people, and then he lied, he lied right to
19 your face and said it takes a certain amount of time,
20 in a few weeks or days, he's a liar because it
21 literally took him six months to talk to two people,
22 two people. This is just for me. I could literally
23 walk around the world in 80 days and talk to every
24 member of everybody's family in two weeks but it took
25 his Department six months to do this so Judge

2 Garaufis yelled at him, just went off because he kept
3 lying to him and just like you all had inside
4 information that he didn't know because you corrected
5 him to his face, you're like that's not true, the
6 judge did the same thing, that's not true, what is
7 this organization doing. I know I'm supposed to kind
8 of stick to my particular experiences, but Don
9 Nguyen, they just said so many lies, it just
10 literally irked the hell out of me and I couldn't
11 believe that this was going on. All right, I never
12 smoked, I never drank, I never did drugs, but I now
13 have to have counseling because of what has happened
14 on this job. I now have to take measures to make sure
15 that I am okay just to work in this field. I
16 shouldn't have to. We all run into burning buildings
17 while other people are running out to save them. We
18 can't possibly do that when I'm taking the hose and
19 I'm doing this and I'm fighting the fires and there's
20 no backup man behind me because my backup man doesn't
21 like me because I told about some racial things that
22 happened in the house so I'm in the fire by myself
23 because the rest of my crew that's with me is like
24 you know what you told about what happened in the
25 house, you should've kept your mouth shut so now

2 we're doing this by ourselves. You just heard this
3 from a few women and me and I'm telling you there are
4 hundreds more who go through this that don't want to
5 say anything because they're afraid of the backlash
6 that absolutely will happen, and it happens. Don
7 Nguyen said that, what did Councilwoman Williams ask
8 him, something to the effect of what do you do, where
9 do you put these people, how do you help them when
10 they come to you. He puts them in the same exact
11 battalion where you're working with the other
12 firehouses that you see every day so they know who
13 you are. This happened to me. So I'm going to another
14 firehouse, and, when I get there, there are CD-30s,
15 there are things on your locker that the guys put
16 there that let you know you're here, get out, we
17 don't want you here. They didn't put nooses on your
18 locker, but it's something to that effect where it's
19 like, because y'all don't know what I'm talking,
20 these little things, get out. This is what is
21 happening to members here on this job. Mind you, this
22 is just a few people that are here. I wish there were
23 a system in place where you do have protection for
24 whistleblowing or whatnot. I know that no one wants
25 to hear me talk because I'm just going to keep

2 running my mouth about every single that's happened
3 because it comes a point to where you can't take it
4 anymore. Fine, when I go back to work, when I leave
5 here and go back to work, yeah, I'm going to get a
6 whole lot of flack for it, but what are you going to
7 do to me, like you're just killing me already so
8 there ain't too much else you could do to me so I'm just
9 going to keep talking until something happens and
10 hopefully something happens. Again, EEO and BITS are
11 retaliatory, nepotistic entities that need to be
12 restructured to better serve its members. EEO and
13 BITS are retaliatory, nepotistic entities that need
14 to be restructured to better serve its members. One
15 more thing with regard to that. No matter who you
16 complain to, they are the relatives and neighbors,
17 not just friends, I said neighbors, because they all
18 live in Long Island or somewhere on the outskirts of
19 Queens because they want to be in firehouses over
20 there all of their homes are closer to Long Island.
21 They're all relatives and friends. It's like the
22 other Council Member said earlier, they're all
23 affluent white males who want to keep it a white male
24 job, like they don't want any women to be on the job,
25 they definitely don't want any black women being on

2 the job. They want to keep it that way, the same way
3 it's been for millions of years, 150 years. That's
4 all I have to say. Thank you.

5 CHAIRPERSON ARIOLA: Thank you so much for
6 testimony.

7 COMMITTEE COUNSEL KINGSLEY: Thank you
8 both. Appreciate it. Do we have Corey Boykins in the
9 audience here?

10 UNIDENTIFIED: He had to go to work.

11 COMMITTEE COUNSEL KINGSLEY: Okay. Thank
12 you so much for letting me know. Next, we'll turn to
13 Sophy Medina who I believe is on our Zoom. Sophy, are
14 you available? There you are. You may go ahead once
15 you get unmuted.

16 SOPHY MEDINA: Okay.

17 COMMITTEE COUNSEL KINGSLEY: Thank you,
18 Sophy. Go ahead.

19 SOPHY MEDINA: Good afternoon. My name is
20 Sophy Medina. I just want to touch on some of the
21 testimony that I heard today from my brothers and
22 sisters in Fire. It's 100 percent a boys' club in the
23 Fire Department to which I have to say I haven't had
24 some of the issues that they have but I will never
25 negate somebody else's complaints, and I've heard

1 some of these testimonies personally from some of my
2 sisters on the job and they've also heard my
3 complaints. As far as the misogyny on this job, it's
4 not everybody and it transcends race. It's not just
5 white males that are misogynistic. It's also men of
6 color that are misogynistic and that has also been my
7 experience on this job and that needs to be said
8 because I think we get lost in identity politics and
9 bad is bad and good is good and there is messed up
10 stuff that happens on this job. With that being said,
11 I'll continue with the testimony that I came prepared
12 to mention. I'm a firefighter who's been forced on
13 leave without pay as a result of standing up for
14 myself when it comes to medical freedom, informed
15 consent, and religious liberty. Many women on the
16 FDNY were forced or coerced to take a shot that
17 carries with it the risk of miscarriage and other
18 reproductive unknowns which are slowly being revealed
19 due to court order. Long-term effects are clearly
20 unknowable at this time, and I pray that the women
21 who were forced to take this avoid any and all of
22 these side effects. As you may all well be aware,
23 there's no state of emergency. Just this week, the
24 President of the United States affirmed what many of
25

2 us have already known since two weeks to flatten the
3 curve. The perspective of the firefighter and EMS
4 worker who were boots on the ground should not have
5 been ignored, and there was good reason why uniformed
6 members of the FDNY had low compliance numbers
7 compared to other agencies until a mandate was forced
8 on them and they were given an ultimatum to either
9 take a shot or lose their livelihoods. Our
10 perspective was different from those who go to..

11 SERGEANT-AT-ARMS: Time expired.

12 SOPHY MEDINA: Stay at home while we were
13 out helping the residents of New York City. What we
14 saw shaped our decisions. What we saw is what the
15 mainstream news is now trying to catch up to. The
16 people who were dying of this virus unfortunately are
17 elderly and people who had four more comorbidities.
18 The Fire Department members are particularly young
19 and physically fit and we made our choices based on
20 facts and not on fear or propaganda. Hence, why many
21 firefighters didn't comply at first and submitted
22 religious or medical exemptions. As you know, the
23 city's EEO policy is supposed to prohibit adverse
24 employment actions based on a person's religion. This
25 includes discriminatory practices and decisions,

2 harassment, hostility, and other adverse actions
3 because of a person's creed, religious affiliation,
4 or religious beliefs, observances, or practices. Yet
5 here I am harassed, excluded, and unpaid because I
6 exercised my rights. I stand with those brothers and
7 sisters that spoke out against EEO and Don Nguyen in
8 particular as I know that my medical exemption is
9 being sat on right now and it feels at this point
10 that it was punitive. Here I am with not only my
11 religious exemption being denied but also my request
12 for a medical exemption that has not been addressed
13 for well over a month, and there are a few others
14 like me. The EEO Office has violated its own policy
15 by sitting on these exemptions and harassing the
16 members or their doctors after the request had been
17 submitted. They have also ignored countless emails
18 sent to them. Never before has there been a deadline
19 in place of when one could submit a request for a
20 religious or medical exemption. Yet one was
21 arbitrarily placed in order to coerce members to
22 comply with the mandate solely by getting the shot
23 and not by actually allowing for any religious
24 exemptions or medical exemptions being granted. The
25 FDNY states that they want diversion and inclusion,

1 but that doesn't seem to include wanting any
2 dissenting thought and they've gone out of their way
3 to exclude the unvaccinated members while also
4 violating our rights to medical privacy by
5 implementing policies that highlight an unvaccinated
6 member's status as unvaccinated and forcing people to
7 publicly reveal their vaccination status. The deeply
8 religious and spiritual members have also been
9 targeted, and many have been expelled after their
10 exemptions were denied and they were either
11 terminated or placed on leave without pay
12 indefinitely. On the subject of recruitment, I was a
13 trained recruiter by the FDNY and I was utilized by
14 the Department because of the fact that I fit many
15 demographics. I'm a woman, I'm a Latina person of
16 color, I'm a military veteran, and I'm a mother. My
17 family is bilingual and multicultural. Where is the
18 outrage by this City Council, aside from the Members
19 who have spoken up for us, when the Department pushes
20 me out or worse forces me to give up the choices for
21 my own body? When will the full City Council get on
22 the right side of history and end these mandates and
23 bring back the members who have had their rights
24

2 violated and make us whole again. Thank you for your
3 time.

4 CHAIRPERSON ARIOLA: Thank you, Sophy, for
5 your testimony. Hear, hear.

6 COMMITTEE COUNSEL KINGSLEY: Thank you. If
7 anyone else would like to testify, please kindly
8 speak up now. If not, we're going to conclude our
9 public testimony, and I will turn it back to Chair
10 Ariola to close out the hearing. Thank you, everyone.

11 CHAIRPERSON ARIOLA: Thank you, everyone,
12 the administration for coming to testify, the
13 absolute bravest who gave public testimony today, my
14 fellow Council Members who are on this Committee and
15 those who are not and made the time to come like
16 Council Member Mealy, the Council Members and our
17 Speaker who have introduced legislation that is much
18 needed, and we look forward to bringing these pieces
19 of legislation forward. I'd like to thank Josh
20 Kingsley, our Committee's Counsel, and William Hogash
21 (phonetic), and the Council staff, our Sergeant-at-
22 Arms, thank you so much for the time that you put in
23 here with us. I look forward to these bills coming
24 forward to these bills coming forward. I look forward
25 to further discussion, but I also look forward to

2 resolve. We've heard the testimony, we know what's
3 needed, and now we have to act so that people can
4 feel safe in their work environment, people can get
5 back to work and have their civil rights, religious
6 freedoms, and medical freedoms restored. Sophy Medina
7 made a very good point. We need an entire Council to
8 get behind what's happening so that these injustices
9 can be made just.

10 I thank you for your time. This will end
11 our Committee on Fire and Emergency Management. Thank
12 you, everyone who participated. [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 September 25, 2022