

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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May 25, 2011
Start: ~ 10:45 am
Recess: ~ 11:30 am

HELD AT: 250 Broadway - Committee Room
14th Floor

B E F O R E:

JAMES SANDERS, JR.
Chairperson

COUNCIL MEMBERS:

James F. Gennaro
Melissa Mark-Viverito
Michael C. Nelson
Domenic M. Recchia, Jr.
Larry B. Seabrook
Eric A. Ulrich

A P P E A R A N C E S

COUNCIL MEMBERS:

James Sanders, Jr.
Michael C. Nelson
James F. Gennaro
Domenic M. Recchia, Jr.
Leroy G. Comrie, Jr.
Ruben Wills
Eric A. Ulrich

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

Matthew Carlin
Council
Committee on Civil Service and Labor

Kevin Penn
Committee Clerk
Committee on Civil Service and Labor

Paul Washington
Captain, New York City Fire Department
Past President, Vulcan Society

CHAIRPERSON SANDERS: Good morning. Good morning, all. This hearing will now come to order. I'm going to read a statement. I'm going to see what I can do about my Finance Chair. I would really make him wait a little longer, but I've got to make sure that the budget of the City of New York doesn't go down the drain. Good morning, and thank you for coming. Justice delayed is usually justice denied. And in the most diverse city in the world, New York City, this city is known for its diversity, where, according to the Controller, 80% of the city is made of women and people of color. In our gorgeous and blessed city, we have a fire department which is around the worst of the big cities. We are taking a step to bringing that, in light of our values, our New York City values. And we have found a way, and my colleague in government, Council Member Comrie, will speak more to that. I am the Chair. I am James Sanders, Jr., and I am the Chair of the Committee on Civil Service and Labor. Today, we are here to consider and vote on an important resolution: Proposed Resolution number 647-A, which was introduced by

1 Council Member Comrie. The resolution calls upon
2 New York State Legislature to pass legislation to
3 authorize New York City to enact a local law to
4 change the ways points credit for New York City
5 residents' applicants to pass the Firefighter
6 Civil Service Exam are awarded. These changes the
7 council wants to make, which include having a high
8 school diploma, or G.E.D. from New York City, we
9 believe that this will encourage minority
10 applicants to sit for the exam, and to help
11 diversify our Fire Department, which is one of the
12 least diverse departments of any major city in the
13 country. The resolution expresses our commitment
14 to supporting and encouraging the diversification
15 of our city's Fire Department. It underscores our
16 commitment to keeping this city as a place where
17 opportunities, like becoming one of New York
18 City's bravest, are open for everyone. Before we
19 begin, let me acknowledge my fellow Council
20 Members. I, of course, have Council Member
21 Nelson, from Brooklyn, and Gennaro from Queens,
22 Council Member Recchia, from Brooklyn, and I have
23 my Queens delegation here: Council Member Comrie
24 and Council Member Wills. I also want to thank my
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2 committee staff, Matthew Carlin, the Council, and
3 Faith Corbett, our Policy Analyst. For the
4 record, would you be kind enough—I believe it's
5 you who is going to read this one—would you read
6 the resolution for the record? And after that,
7 I'm going to allow my colleagues to vote on this
8 one, and if you'd be kind enough to make a
9 statement after that, sir?

10 MATTHEW CARLIN: Whereas the New
11 York City Fire Department, FDNY, responds to more
12 than 276,000 fire and non-fire related
13 emergencies, and more than 1.2 million medical
14 emergencies each year, and whereas the FDNY has
15 approximately 11,200 uniformed fire personnel
16 representing the Department, and whereas the FDNY
17 is the least racially diverse Fire Department in
18 any major city in the United States, and the least
19 diverse agency in the city, and whereas, although
20 more than half of New York City's 8.2 million
21 residents belong to a racial or ethnic minority,
22 the FDNY's representation of black and Hispanic
23 personnel constitutes only 9%. And whereas, in
24 other major U.S. cities, such as Los Angeles and
25 Philadelphia, the representation of black and

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2 Hispanic firefighters are 44% and 29%
3 respectively. And whereas, despite minority
4 recruitment drives dating back to 1994, the FDNY
5 is still approximately 87% white. And whereas,
6 the current racial minority composition of the
7 FDNY is 3.8% black, 7.8% Hispanic, and 0.9% Asian.
8 And whereas, notwithstanding the FDNY's efforts to
9 increase minority recruitment, the number of black
10 firefighters has actually decreased from
11 approximately 6% of the force roughly two decades
12 ago. And whereas, the current racial composition
13 of the FDNY fails to come close to reflecting the
14 diversity of New York City, which as of the last
15 available U.S. Census data had a population that
16 is approximately 27% black, 27% Hispanic, and 10%
17 Asian. And whereas the New York City Department
18 of Administrative Services, DCAS, is charged with
19 administering all civil service exams for New York
20 City agencies by New York State law, and the New
21 York City charter. And whereas, currently DCAS
22 grants a point credit to applicants of the
23 Firefighter Civil Service Examination who live in
24 the city, however the criteria for claiming such
25 credit are flawed. And whereas, as the indicia of

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2 residency that an applicant must provide to be
3 eligible for the point credit are such that they
4 may be easily circumvented, such indicia must be
5 changed to deter attempts at avoiding them, and
6 subverting the purposes of the point credit, which
7 include the enhancement of minority recruitment.
8 And whereas, the criteria that should be used for
9 determining eligibility for a residency
10 requirement should include, but are not limited
11 to: having a mortgage in the applicant's name for
12 a 12-month period before the announcement of the
13 examination, cable, gas, or utility bills in the
14 applicant's name for the 12-month period before
15 the announcement of the examination, checking or
16 savings account statements in the applicant's name
17 for the 12-month period before the announcement of
18 the examination, credit card statements in the
19 applicant's name for the 12-month period before
20 the announcement of the examination, W-2 forms in
21 the applicants name for the 12-month period before
22 the announcement of the examination, high school
23 diploma, or transcript from a New York City school
24 from the 12-month period before the announcement
25 of the examination, and general educational

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2 development credential from a New York City
3 institution from the 12-month period before the
4 announcement of the examination. Now therefore,
5 be it resolved that the Council of the City of New
6 York calls upon the New York State Legislature to
7 pass legislation to authorize New York City to
8 enact a local law to grant point credits for New
9 York City Resident applicants who pass the
10 Firefighter's Civil Service Exam, and to establish
11 eligibility criteria for such credits.

12 CHAIRPERSON SANDERS: Council
13 Member Domenic Recchia, are you ready for the
14 vote?

15 COUNCIL MEMBER RECCHIA: Yes.

16 CHAIRPERSON SANDERS: How do you
17 vote, Sir?

18 COUNCIL MEMBER RECCHIA: Aye.

19 CHAIRPERSON SANDERS: Thank you,
20 Sir. You are excused. We will absolutely keep
21 going. Let me say something about this. There
22 are many heroes in this process that have brought
23 this about. We can, of course, note Paul
24 Washington from the Vulcan Society. We can look
25 at the Vulcan Society as a whole. But we must

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2 also draw attention to the prime author of this
3 legislation, and of course, that is Council Member
4 Leroy Comrie of Queens, who saw the need, and
5 stepped forward to meet that need. I want to turn
6 the mic over to him, so that he can make a
7 statement. We're going to do something just a
8 hair out of order, to make sure that we don't lose
9 this historic opportunity. I'm going to have a
10 vote call for the members who are here, currently.
11 And would you be kind enough to call a question?

12 KEVIN PENN [phonetic]: Kevin Penn,
13 Committee Clerk, roll calling the Committee on
14 Civil Service and Labor, Resolution 647-A.
15 Council Member Sanders?

16 CHAIRPERSON SANDERS: Emphatically,
17 yes.

18 KEVIN PENN: Nelson?

19 COUNCIL MEMBER NELSON: Yes.

20 KEVIN PENN: Gennaro?

21 COUNCIL MEMBER GENNARO: Yes.

22 KEVIN PENN: I have a vote of four
23 in the affirmative; zero in the negative, no
24 abstentions. The item has been adopted. Members,
25 please sign the Committee Report.

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2 CHAIRPERSON SANDERS: Council
3 Member Comrie, we were at your moment, sir.

4 COUNCIL MEMBER COMRIE: No problem.
5 I don't mind deferring to the Finance Chair, as he
6 is working to make sure that we restore all of our
7 budget items. And I just want to make sure that
8 he takes care of southeast Queens, so whatever he
9 needs to do, to move the finance hearings forward,
10 we will make it noted on record that we
11 accommodated him. But today is an important day,
12 and it didn't happen without the help of the
13 Vulcans, and Mr. Paul Washington, and their
14 determination to ensure that there were
15 opportunities to increase the ability for young
16 people to know that there's an opportunity that
17 they could achieve, coming right out of high
18 school. And as we moved into that decision, and
19 tried to implement that decision, and started
20 talking to the city, and DCAS... And I want to
21 thank Paul Washington. I want to thank Speak
22 Quinn, and her staff, especially Rob Newman, who
23 has been a tireless advocate. Terzah Nasser, who
24 has been a researcher par excellence, as usual, in
25 working with us to try to make sure that we forged

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2 an opportunity. And it became an opportunity to
3 look at residency as a whole, just beyond the
4 ability of looking at the ability to encourage
5 more young people, once they enter high school, to
6 know that there's a real job at the other end of
7 high school, once they get out of high school, by
8 becoming a fire fighter, something that is also
9 important to try to drive up the numbers of
10 minority recruitment, to allow every college
11 counselor in high school to give young people
12 another option, another chance, another
13 opportunity to give them motivation to graduate.
14 Our high school graduation rates are abysmally
15 low, because a lot of these young people don't
16 know where they're going to go from high school.
17 They come into high school woefully unprepared,
18 and we were hoping that putting this opportunity
19 in would give them motivation to complete school.
20 But as we delved into it, as we worked with the
21 Vulcans, as we worked with the city, as Rob Newman
22 negotiated back and forth with DCAS, with all of
23 the other issues, we were able to look at the
24 entire issue of residency, and how residency is
25 established. And so, this bill has evolved to

1 deal with the whole issue of residency. And as
2 you know, there have been many flaws in the
3 awarding of bonus points for the Open Competitive
4 Firefighter Examination. Currently, any applicant
5 who can show New York City residency is awarded
6 five additional points on their examination.
7 However, as we all know, this has been easily
8 forged, and in turn, renders meaningless, when
9 attempting to encourage New York City residents to
10 take this important examination. As I said
11 earlier, I've been a strong advocate, to ensure
12 that a New York City high school diploma or G.E.D.
13 equivalent could be used as a primary basis for
14 awarding points. This would, again, achieve two
15 major public policy goals: it would limit the
16 ability for any applicant to potentially forge any
17 document showing New York City residency. Second,
18 and just as importantly, it would increase the
19 opportunity for minorities to have a greater
20 chance to be part of this great agency, the New
21 York City Fire Department. This resolution would
22 request that the State grant the city the full
23 authority to set these requirements. We will be
24 working with the state Assembly and Senate to
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2 ensure that these requirements are met, but also
3 to make sure that, as I said earlier, as we delved
4 into this issue, to look at the entire idea of the
5 justification for residency, to ensure that people
6 have real documents that prove that they are New
7 York City residents, to become a New York City
8 Firefighter, is something that I think will be
9 groundbreaking. And I hope that we will be, as we
10 pass this resolution today, as it has already
11 passed, due to Committee, that we will be moving
12 swiftly to ensure that residency on all levels is
13 taken into account, and given the full benefits
14 possible. We can't expect our New York City
15 children not to have a leg up when they're already
16 being imposed on, when it's already been proven
17 that they are under attack by so many outside
18 forces that don't want them to succeed. Every
19 opportunity that we can give them for success,
20 every opportunity that we can give them for
21 encouragement, every opportunity that we can give
22 them, to give them a desire and a motivation to
23 want to go for a civil service job in the city
24 that has birthed them, that has educated them, and
25 should want to be primarily focused on hiring them

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2 after they've completed their education. And so,
3 again, I want to thank the Vulcan Society, Paul
4 Washington, the lobbyist for the Vulcan Society,
5 Rob Newman, for constantly haranguing all of the
6 people as DCAS, all of the people that were
7 working on this issue, Terzah Nasser, again, also
8 Matt Carlin, and Faith Corbett, and our esteemed
9 Civil Service and Labor Chair, for moving this
10 resolution through quickly. And thank you to all
11 the members who voted on it today. Thank you.

12 CHAIRPERSON SANDERS: Often, the
13 things that we do have a historic resonance, and
14 this is one of them. Your place in history has
15 been assured by this one. Council Member Nelson,
16 of Brooklyn, Brooklyn's best.

17 COUNCIL MEMBER NELSON: Thank you,
18 Mr. Chair. I'm not generally a proponent of
19 quotas, but I tell you: looking at these
20 statistics, there's such a huge discrepancy in the
21 numbers between whites, Caucasians, if you will,
22 and people of color. It's deeply troubling. And
23 I have not seen a totally rational explanation as
24 to why this discrepancy exists. I think the only
25 way to remedy this troubling imbalance is to go

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2 with this resolution. And until I see changes in
3 the numbers, I'll continue to be distressed by
4 where New York City stands right now, with those
5 numbers. I vote aye.

6 CHAIRPERSON SANDERS: All fair-
7 minded people would take the same position, sir.
8 I believe that I am also not one to automatically
9 assume there is a need for quotas. Of course,
10 this is not being spoken about today. However,
11 there's no moral, logical explanation. There may
12 be explanations, but none of them moral. And I
13 think that the best thing that we can do, under
14 these conditions, is to move beyond the
15 explanation. Let's even spend our time trying to
16 find an explanation, because it's a slippery slope
17 that ruins the conscience. We should spend our
18 time, as we have done today, under the guidance of
19 Council Member Leroy Comrie, spend our time trying
20 to find solutions, rather than sully our souls
21 trying to explain the unexplainable. If there are
22 no other speakers to this one, I want to take this
23 moment, again, to congratulate my colleague in
24 Queens, who is making Queens proud, and this city,
25 for that matter. I want to thank everyone who

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2 voted for this. The quiet Jim Gennaro, whose
3 position on justice is well known, he lets his
4 vote speak for him, when he allows other people to
5 use words, but his vote speaks. I do want to, I
6 believe that we have—

7 COUNCIL MEMBER GENNARO:

8 [interposing] Mr. Chairman, you know what it is?
9 I was thinking of taking the firefighter test
10 myself, and then I didn't want to look like I was
11 rigging the game for myself.

12 CHAIRPERSON SANDERS: A little
13 biased, in favor of...?

14 COUNCIL MEMBER GENNARO: Exactly.
15 Exactly.

16 CHAIRPERSON SANDERS: Well, it is
17 true, sir, that this is considered a part-time
18 job. I wonder if, between fires, you could be a
19 Council Person. If you're willing, we'll work it
20 out. I believe we have someone to testify,
21 however.

22 KEVIN PENN: That's Paul
23 Washington, from the Vulcan Society.

24 CHAIRPERSON SANDERS: Sir, for the
25 one New Yorker that doesn't know who you are, if

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2 you would be kind enough to say your name, and any
3 affiliation for the record.

4 PAUL WASHINGTON: My name is Paul
5 Washington. I'm a Captain in the New York City
6 Fire Department, and the past President of the
7 Vulcan Society, New York City's organization of
8 black firefighters. Well, I didn't have any
9 prepared testimony, but thank you for allowing me
10 to come and testify. I'm very happy that this
11 resolution is going forward. The residency
12 requirement that has existed in the city, in the
13 Fire Department now, since, I believe, it was
14 1994, it's just been too easy to get around, as
15 you had previously mentioned. It's been,
16 candidates who live, and were born and raised in
17 Long Island, upstate, and so on, they were just
18 able to present some type of flimsy proof, to get
19 these five points. And getting these five points
20 has been critical to getting a job. Basically the
21 top 4 or 5,000 people on the list all have this
22 five points residency credit. If you didn't get
23 it, you basically weren't getting a job. And
24 again, as I said, it was too easy for them to get.
25 They got it, and they were able to get onto the

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2 job. For this next test, this upcoming test,
3 we've improved on it greatly. The changes that
4 we've made, we think will make it much harder for
5 someone from outside of the city to get these five
6 points. So what we're hoping to see out of
7 results of this, is that the vast majority, almost
8 everybody who comes off of this next list will
9 actually be a bona fide resident of the city,
10 someone who grew up in the city. And so, for you
11 to pass this resolution, to ask the state to give
12 you the power to make this a law, we think is an
13 excellent step forward.

14 CHAIRPERSON SANDERS: How long have
15 you been fighting this issue, sir? How long has...?

16 PAUL WASHINGTON: Oh, we've been
17 pushing this, really, since it came into being, in
18 1994, or so. And the only reason it came into
19 being was because, at that time, the Justice
20 Department was investigating the fire department,
21 just like now. The Justice Department has
22 actually sued the Fire Department. In '94, they
23 were investigating the Fire Department for their
24 lack of hiring of blacks. One of the responses
25 was for the Fire Department, they put forth this

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2 residency, this five points for residency. And it
3 has not been effective from the start. So since
4 then, we've been fighting to toughen it up, to
5 make it stronger. We've now succeeded.

6 CHAIRPERSON SANDERS: So for
7 approximately 15 years?

8 PAUL WASHINGTON: Yes, at least.

9 CHAIRPERSON SANDERS: You've been
10 fighting this issue?

11 PAUL WASHINGTON: Mm-hm. We've
12 been trying to get them to tighten up this
13 residency credit.

14 CHAIRPERSON SANDERS: I'm just
15 trying to think in my mind, again, of justice
16 delayed being justice denied. How many people...?

17 PAUL WASHINGTON: Well, we've been
18 fighting for 150 years to get blacks included into
19 the Fire Department. The Fire Department, for its
20 first 50 years of existence, hired no blacks,
21 period. No blacks were hired, and they didn't
22 have to explain the reasons why. We're talking
23 1865 till 1914. For the next 50 years, blacks and
24 other people of color's applications were just
25 basically thrown in the garbage. They were told

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2 that we're not hiring, because you've got a heart
3 problem, things of those nature. The word quota
4 was brought up earlier. There was a quota during
5 the 40's, 50's, and 60's, when the word quota was
6 always used to signify the lack of blacks.

7 Quota's going to be two percent black, or three
8 percent black. Me growing up—I guess I'm giving
9 my age away—but growing up, that's what the word
10 quota always meant to me, was we're going to limit
11 the number of blacks. So all the way through the
12 50's and 60's, there was this quota system. And
13 then, subsequently, in the 70's, 80's, and 90's,
14 they've done other things to keep us off of this
15 job. But for almost 150 years, this has been a
16 job that has not had blacks in it, in any kind of
17 appreciable numbers.

18 CHAIRPERSON SANDERS: A sad and
19 sordid tale that is told today. I'm glad that
20 we're going to... What impact do you believe that
21 this could have, sir?

22 PAUL WASHINGTON: Well, I think
23 this will really make it hard for people born and
24 raised outside the city to come onto this job.
25 And as the city is so much more diverse than

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2 surrounding areas, I think it will have a good
3 impact. It will certainly increase, again, the
4 percentage of real city residents on this job, and
5 it will also increase the diversity. And we're
6 looking for all of these results from the next
7 test, the next list that comes out, probably in a
8 year or so from now. So we'll see the impact of
9 this, and other things that are being done,
10 probably next year.

11 CHARIPERSON SANDERS: Council
12 Member Comrie, you wanted to...?

13 COUNCIL MEMBER COMRIE: I just
14 wanted to congratulate you, Paul, for representing
15 the Vulcans, for the Vulcans' tenacity in doing
16 everything that they've had to do, since 1994. I
17 know it hasn't been easy. You've been constantly
18 pushing the city to do better for its own
19 residents, for its own people, for making sure
20 that there's an equal opportunity to embrace all
21 of the members of this city, and I know it hasn't
22 been an easy road, and I know there's still some
23 hurdles to go. But you've been working hard to
24 get to this level, and to make these changes in
25 residency. I know that we will be working with

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2 you, as we continue to move forward to ensure that
3 this Fire Department becomes a Fire Department
4 that is equal in numbers to any other Fire
5 Department across this country. It's horrendous
6 that New York City, which is one of the most
7 multicultural cities in the world, has a Fire
8 Department that is not representative of the
9 numbers of the city residents that are here. I
10 know that you've been working hard, going and
11 convincing legal advocates, and the press, and the
12 media, which really haven't picked up on this
13 issues, as they should be. They really should be
14 here today. Hopefully, we can make sure that they
15 are in Albany, making sure that this passes
16 quickly, so that we can get the authority to do
17 this. And I don't understand why more people have
18 not embraced this issue, on a citywide level, when
19 we have so much at stake, so many young people
20 that really need an opportunity to get motivated.
21 And becoming a firefighter is something that is a
22 job, and is an opportunity, to serve the city in a
23 major way. It's one of the premier opportunities
24 to give back to the city in a major way, and to
25 increase the pool of applicants, and of knowledge

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2 of those applicants, also, by making this happen,
3 I think, is a major step. So congratulations to
4 you, for your persistence, for your steadfastness,
5 for your constantly calling our offices, and
6 chasing us down, and emailing us, and doing
7 everything you needed to do to get this passed
8 today. Congratulations.

9 PAUL WASHINGTON: Thank you. And
10 it's been a pleasure working with this committee,
11 and the entire Council.

12 CHAIRPERSON SANDERS: We have been
13 joined by another of Queens' best, Council Member
14 Eric Ulrich, my colleague from the other side of
15 the Rockaways, and other areas, Council Member
16 Ulrich: are you ready for the vote?

17 COUNCIL MEMBER ULRICH: I am.

18 CHAIRPERSON SANDERS: Council
19 Member Ulrich, in fact, I will...

20 COUNCIL MEMBER ULRICH: Mr.
21 Chairman, I vote aye.

22 CHAIRPERSON SANDERS: Would you
23 mind holding that for a second? I'm taking this
24 good man's job away, and unemployment is a little
25 bit too high in New York City.

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2 KEVIN PENN: Continuation vote on
3 the Committee on Civil Service and Labor. Council
4 Member Ulrich?

5 COUNCIL MEMBER ULRICH: Aye.

6 CHAIRPERSON SANDERS: You saved a
7 job today, sir.

8 KEVIN PENN: Vote stands at five in
9 the affirmative, zero in the negative, no
10 abstentions.

11 CHAIRPERSON SANDERS: I will say
12 one more thing. This is a good day, not simply
13 for this vote. This is a good day, because you
14 have to remember that you can beat City Hall, if
15 you wish, that... How many times, Mr. Washington,
16 were you laughed at, in this journey, with those
17 who said that the day would never come, that this
18 was ridiculous? How many times would you believe
19 that you were laughed at?

20 PAUL WASHINGTON: [off mic]

21 CHAIRPERSON SANDERS: Well, today
22 those who laughed last laughed the loudest. I
23 think that this is a great day, and I want to
24 thank you, and encourage people, if you see
25 something that you feel strongly about, if you see

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2 something that is an issue of justice, then stick
3 with it. God willing, it will take less than 15
4 years, but you should go and catch up with Paul
5 Washington, and learn from him. I'm going to, if
6 there's no one else who wants to speak, I'm going
7 to leave this committee hearing open for 40
8 minutes more, but I want to thank everyone who
9 came out today for this, and thank you again, Mr.
10 Washington, and Council Member Comrie.

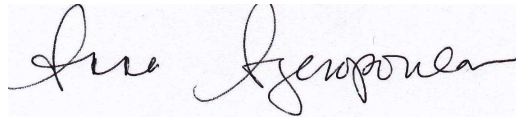
11 KEVIN PENN: Final vote in the
12 Committee on Civil Service and Labor is five in
13 the affirmative, zero in the negative, and no
14 abstentions.

15 MATTHEW CARLIN: This is Matthew
16 Carlin, Council to the Committee, and this meeting
17 is adjourned.

C E R T I F I C A T E

I, Anna Argeropoulos, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, appearing to read "Anna Argeropoulos", is written over a light blue rectangular background.Date 5/31/11