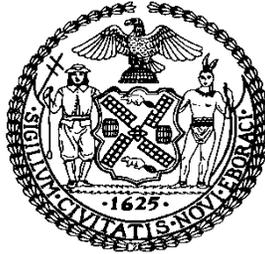


Committee on Fire and Emergency Management

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THE COUNCIL

**BRIEFING PAPER AND COMMITTEE REPORT
OF THE GOVERNMENTAL AFFAIRS DIVISION**

Andrea Vazquez, Legislative Director
Rachel Cordero, Deputy Director, Governmental Affairs

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

Joann Ariola, Chair

September 19, 2022

OVERSIGHT:

Evaluating Diversity and Inclusion in the FDNY

INT. NO. 516

By The Speaker (Council Member Adams) and Council Members Abreu, Ung, Avilés, Restler, Won and Bottcher

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to demographic diversity within the fire department

INT. NO. 519

By Council Members Ariola, Hanif, Brewer, Avilés, Hudson and Velázquez

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to requiring permanent firehouse facility upgrades to ensure a safe working environment for a mixed gender workforce

INT. NO. 552

By Council Members Riley, Cabán, Marte, Hudson, Restler and Won (by request of the Bronx Borough President)

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at firehouses

INT. NO. 553 By Council Members Riley, Cabán, Abreu, Marte, Avilés, Hudson, Restler and Won (by request of the Bronx Borough President)

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement training on diversity, inclusion, and harassment

INT. NO. 560 Council Members Williams, Cabán, Abreu, Avilés and Restler

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints

I. INTRODUCTION

On September 19, 2022, the Committee on Fire and Emergency Management, Chaired by Joann Ariola, will hold an oversight hearing on evaluating diversity and inclusion in the New York City Fire Department (“FDNY” or “Department”). Additionally, the Committee will hear a package of related bills, including: (i) Int. No. 516, a local law to amend the administrative code of the city of New York, in relation to demographic diversity within the fire department; (ii) Int. No. 519, a local law to amend the administrative code of the city of New York, in relation to requiring permanent firehouse facility upgrades to ensure a safe working environment for a mixed gender workforce; (iii) Int. No. 552, a local law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at firehouses; (iv) Int. No. 553, a local law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement training on diversity, inclusion, and harassment; and (v) Int. No. 560, a local law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints. Those invited to

testify include representatives of the FDNY, fire and emergency service unions, the United Women Firefighters, the Vulcan Society, and other interested parties.

II. BACKGROUND

The lack of both gender and ethnic diversity among staff of the FDNY is longstanding and well publicized. Although the entirety of FDNY staffing has become more diverse over the years, these gains are largely reflective of non-uniform EMS workers; whereas, uniform firefighter and officer positions, those entitled to significantly higher pay and benefits, continue to be almost exclusively male and overwhelmingly white. Currently, the FDNY is comprised of approximately 11,000 uniformed firefighters; of which only 139 are women, a total of roughly one percent.¹ 76% of FDNY firefighters are White (non-Hispanic); whereas 8% are Black, 13% are Hispanic, 2% are Asian, and 0.8% identify as another ethnicity.² Nationally, 79% of firefighters are White (non-Hispanic); and women comprise less than four percent of all non-volunteer firefighters.³ Furthermore, leadership within the FDNY's Bureau of Fire Protection is almost exclusively White males, therefore any diversity that exists among firefighters is limited to low-ranked civil service titles.⁴

III. HISTORY OF FDNY LACK OF DIVERSITY

Until 1972, men were exclusively permitted to take the FDNY firefighter examination and this policy only changed due to a federal government mandate.⁵ Beginning in 1977, the firefighter examination changed substantially. At that time, the Department used a physical examination as part of its firefighter application process, but prior to 1977 the test was only used

¹ New York City Council FDNY Preliminary Budget Briefing FY 2023; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/FDNY.pdf>.

² *Id.*

³ U.S. Bureau of Labor Statistics; available at: <https://www.bls.gov/cps/cpsaat11.htm>.

⁴ See NYC Council Report: Pay Equity in NYC; available at: http://council.nyc.gov/data/wp-content/uploads/sites/73/2021/08/080221.OC03.PAY-EQUITY-IN-NYC_v8.pdf.

⁵ 42 U.S.C. § 2000e-2; Pub.L. 92-261, § 2, Mar. 24, 1972, 86 Stat. 103; *Women Firefighters in New York City 1982-2012*, Labor Arts, available at <https://portside.org/2013-03-06/women-firefighters-new-york-city-1982-2012>

on a pass/fail basis to determine whether a candidate met minimal qualifications.⁶ After 1977, the Department set a fixed cap whereby only those who scored in the top 30 percent on the physical exam were eligible to become firefighters.⁷ The City encouraged women to apply to take the exam, but of the more than 25,000 applicants who took the 1977 written exam, only 410 were female.⁸ And of the women who passed the written exam, just 88 took the 1978 physical abilities test. None of the female applicants passed the physical abilities test that year.⁹

Brenda Berkman, one of the female applicants who failed the physical abilities test, filed a class-action lawsuit on behalf of herself and the other women who had taken the written examination but either failed the physical portion of the exam or were deterred from taking it altogether as a result of sex discrimination.¹⁰ In 1982, a federal court undertook a detailed review of the exam's validity and concluded that the physical abilities test, in part due to its ranking system, failed to accurately measure the skills necessary to be a firefighter and consequently discriminated against the plaintiffs on the basis of sex.¹¹ The court ordered the City to prepare new selection procedures free from discrimination against women and to grant appointments to at least 45 women who failed to advance under the 1978 process, if that many were identified as still interested in becoming firefighters.¹² Later that year, after passing the newly developed physical requirements test, 11 women, including Berkman, graduated from the Fire Academy and began jobs as FDNY firefighters.¹³ However, between 1983 and 1994, the FDNY hired no women firefighters.¹⁴

⁶ Berkman, 536 F. Supp. at 210.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 200.

¹⁰ *Id.* at 179.

¹¹ *Id.* at 217-18.

¹² *Id.* at 216, 218.

¹³ Deirdre Carmody, Women Graduate as City Firefighters and a New Era Starts Next Week, N.Y. Times, Nov. 6, 1982, available at <http://www.nytimes.com/1982/11/06/nyregion/women-graduate-as-city-firefighters-and-a-new->

Racial and ethnic minorities have been firefighters since the early 1920s,¹⁵ though they experienced segregated and discriminatory practices common to all workplace settings of that time period.¹⁶ In 1973, a federal court found that the FDNY unintentionally discriminated against racial minorities in its written tests.¹⁷ That year, although 32 percent of the City's general population was black or Hispanic, those groups made up only five percent of the FDNY, and between 1991 and 2007 the percentage of black firefighters never exceeded 3.9 percent.¹⁸

In 2007, the United States Department of Justice ("DOJ") and the Vulcan Society sued New York City, FDNY and the Department of Citywide Administrative Services ("DCAS"), contending that the 1999 and 2002 administrations of the firefighter exam had discriminated against black and Hispanic applicants.¹⁹ In a subsequent ruling in the same case, the court concluded that the City's use of the exam constituted intentional discrimination because it exhibited a deliberate indifference to the exam's adverse effect on minority applicants, particularly in light of the history of litigation against the City on similar issues.²⁰

In 2010, not long after the District Court made its finding of intentional discrimination, the United Women Firefighters ("UWF") organization considered joining the DOJ litigation.²¹ Then UWF President Regina Wilson wrote a letter to the judge presiding over the case, where she

[era-starts-next-week.html](#); Shawn G. Kennedy, Union Opposes Test for Women as Firefighters, N.Y. Times, Aug. 19, 1982, available at <http://www.nytimes.com/1982/08/19/nyregion/union-opposes-test-for-women-as-firefighters.html>.

¹⁴ Information provided by the United Women Firefighters, as cited in the Columbia Spectator, Red Trucks, White (Male) Firefighters, available at <http://columbiaspectator.com/2005/02/15/red-trucks-white-male-firefighters>

¹⁵ Hal Budnick, Smoking Out Racism in the FDNY: The Dwindling Use of Race-Conscious Hiring Remedies, 77 Brook. L. Rev. 1249, 1264 (2012)

¹⁶ *Id.*

¹⁷ Vulcan Soc. of New York City Fire Dep't, Inc. v. Civil Serv. Comm'n of City of New York, 360 F. Supp. 1265, 1271 (S.D.N.Y.) *aff'd in part, remanded in part*, 490 F.2d 387 (2d Cir. 1973)

¹⁸ Budnick, at 1264

¹⁹ See United States v. City of New York, 637 F. Supp. 2d 77, 80 (E.D.N.Y. 2009).

²⁰ United States v. City of New York, 683 F. Supp. 2d 225, 260-61, 265 (E.D.N.Y. 2010), *vacated in part*, 717 F.3d 72 (2d Cir. 2013).

²¹ Janon Fisher, Blazin'-mad firegals cryin' discrimination, N.Y. Post, Feb. 20, 2010, available at <http://nypost.com/2010/02/20/blazin-mad-firegals-cryin-discrimination/>

noted that “[w]omen are even more underrepresented in the FDNY than minority male firefighters,” and suggested that UWF might seek either to join the existing litigation or bring a separate suit on its own behalf.²² UWF ultimately did neither, however, and in 2011 the District Court entered a permanent injunction against the use of the exams – or any other racially discriminatory measure – for the selection of entry-level firefighters.²³ The court also appointed a Court Monitor to oversee implementation of other injunction requirements, including that the City work with a consultant to bring its candidate selection process into compliance with the law.²⁴ This Court Monitor is still overseeing the Department’s candidate selection process. In 2013, the Second Circuit vacated the District Court’s finding of intentional discrimination, but left most of the other provisions of the injunction intact.²⁵ In 2014, the FDNY settled this lawsuit for \$98 million and agreed to make changes to increase the hiring of racial minorities as firefighters.²⁶

IV. BECOMING A FIREFIGHTER

Currently, to become a firefighter with the FDNY, an applicant must first pass both a written and physical test administered by DCAS. The physical portion of this test is known as the Candidate Physical Ability Test (“CPAT”).²⁷ DCAS establishes an “eligible list” of candidates based on the result of this written test, and candidates from the eligible list are invited to complete the physical portion of the examination. If the candidate achieves a sufficient result on the physical portion of the examination, the candidate will undergo a background check, and

²² *Id.*

²³ United States v. City of New York, 2011 WL 6131136 (E.D.N.Y. Dec. 8, 2011), *aff’d as modified*, 717 F.3d 72 (2d Cir. 2013).

²⁴ *Id.*

²⁵ United States v. City of New York, 717 F.3d 72, 99 (2d Cir. 2013).

²⁶ Wall Street Journal, FDNY Discrimination Suit Settled for \$98 Million, available at <http://www.wsj.com/articles/SB10001424052702304017604579447270579768720>

²⁷ FDNY public information available at <https://www1.nyc.gov/assets/fdny/downloads/pdf/join/join-physical-prep-guide.pdf>

drug and other related screenings, such as medical and psychological. Those who pass these screenings are invited to the FDNY's academy.

At the academy, the candidate undergoes a series of physical tests known as the Functional Skills Training ("FST").²⁸ The FST is a qualifying physical exam administered to probationary firefighters in the Fire Academy that requires graduates meet standards based on previous performances by past academy classes, not necessarily on what is required in the field.²⁹ In the FST, candidates perform a series of tests in full firefighter gear, including activities such as climbing stairs with tools and equipment weighing an excess of 100 pounds, advancing hose lines, forcible entry, victim rescue and raising ladders. The FDNY considers the FST to be a more demanding version of the CPAT.³⁰

V. FDNY DIVERSITY RECRUITMENT AND RETENTION EFFORTS

Over the years, the FDNY has made efforts to address their lack of diversity in the Department. In 2005, the FDNY allocated \$1.4 million to establish a permanent recruitment unit dedicated to increasing the ranks of minority and women firefighters.³¹ In 2006, a series of oversight hearings held by the former Committee on Fire and Criminal Justice Services

²⁸ *Id.*

²⁹ Testimony of Sarinya Srisakul, President of the United Women Firefighters Association from New York City Council Fire and Criminal Justice Services Hearing, December 13, 2013; available at: <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2824826&GUID=3B98C808-DDFE-4C73-90AB-21B9E8759886>.

³⁰ On December 13, 2013, the New York City Council's Fire and Criminal Justice Services Committee held a hearing on ways to increase the number of female firefighters in New York City. At the hearing, numerous advocates testified before the Committee that the Department's current Functional Skills Training ("FST"), which is a qualifying physical exam administered to probationary firefighters in the Fire Academy, required that graduates meet standards based on previous performances by past academy classes, not necessarily on what is required in the field.³⁰ Following the 2013 hearing, the Council held a subsequent hearing in December of 2014 where then-FDNY Commissioner Nigro testified that he made two significant changes to the FST in what at that time was the most recent academy class: "First we removed the critical pass component of the FST ensuring that the FST score is a part of the probies' overall grade but not the sole reason they do or do not graduate. Second I removed the requirement that probies achieve a passing score on the midterm FST to participate in the week at the firehouse during the academy."³⁰ It appears, therefore, that while FST remains a key component of a candidate's ability to graduate, it may not necessarily be used as the sole reason a candidate does not graduate the academy.

³¹ Frank Lombardi, *Fire Dept. Devotes \$1.4M to Diversity*, N.Y. DAILY NEWS, Mar. 12, 2005.

examining diversity recruitment highlighted, among other things, that the FDNY Office of Recruitment and Diversity (“ORD”) - which according to the Department, is responsible for the recruitment and retention of Firefighters, EMTs, Paramedics and Fire Protection Inspectors - had launched a comprehensive campaign, with an emphasis on diversity recruitment, in preparation for the open competitive exam for firefighters scheduled for January 2007. The campaign included a \$1 million multimedia marketing strategy, successive mail and phone outreach, and active recruitment at various sites.

In 2011, the FDNY began another recruitment campaign assisted by the New York University Capstone Team, which helped the Department create messaging to reach potential female recruits.³² In 2011, the number of women filing to take the exam increased to 4,261.³³

In 2017, the FDNY launched its latest recruitment campaign, which was budgeted for \$10 million during fiscal year 2018.³⁴ The campaign particularly focused on reaching women and minorities, for example Asian Americans who currently represent less than 2% of the FDNY.³⁵ The FDNY plans to add an additional \$100,000 to its recruitment efforts in Fiscal Year 2019.³⁶ During Fiscal Year 2021, the FDNY expenditures for candidate recruitment was \$5,675,787.³⁷

In 2018, the FDNY’s Recruitment and Retention Unit communicated a description of their roadmap for recruiting diverse classes of FDNY firefighters to the City Council.³⁸ The roadmap outlined the Department’s toolset for recruitment tactics, which included: (i) expanding recruitment field campaigns to meet with candidates in their neighborhoods; (ii) strengthening

³² Email correspondence between New York City Council and FDNY. On file with Committee Staff.

³³ *Id.*

³⁴ On record with NYCC Finance

³⁵ FDNY Recruiting Campaign at abc7.ny.com/news/fdny-recruiting-campaign-to-focus-on-asian-american-minorities/1740419/

³⁶ On record with NYCC Finance

³⁷ FDNY Recruitment Annual Report at

file:///Users/williamhongach/Downloads/FDNY_Firefighter_Recruitment_Efforts_2021-Annual_Report.pdf

³⁸ Roadmap for recruiting diverse classes of FDNY firefighters, 2018. On file with committee staff.

data collection and analysis to identify and replicate past successful efforts for future campaigns; (iii) promoting mentorship and youth programs such as *FDNY Exploring*, which gives New Yorkers (aged 14 to 20) the opportunity to gain valuable insight into a career at the Fire Department; (iv) creating and maintaining communication and social media platforms, such as the Department's Automated Recruitment Communication System ("ARCS") and JoinFDNY.com website; and (v) establishing attrition mitigation programs that aim to ensure firefighter candidates remain interested throughout the lengthy hiring process, and are informed and prepared to accept the position when offered.³⁹

VI. FDNY DEMOGRAPHIC REPORTING (LOCAL LAW 49 of 2015)

In an effort to better gauge diversity within the Department's hiring process, the Council enacted Local Law 49 of 2015, which helps the City and the public gain a better understanding of the racial and gender demographics of the FDNY's applicant pool. This local law requires the FDNY to report on the gender and racial demographics of the firefighter applicant pool at every step of the application process, through the admissions process, and up to the point that the applicants become firefighters or are eliminated any time in between. Local Law 49 of 2015 allows the Council and the public to gauge the rate at which women and/or minorities are being eliminated from advancing in the application process, admission to the academy, dismissal from the academy and/or the rate at which they are advancing through the process including graduation. The law requires FDNY to report these statistics for its most recent application period, and for each application period going forward, and publish the reports on the FDNY's website. Further, the law requires the FDNY to report on its recruiting activities, including its

³⁹ *Id.*

recruiting expenditures, a list of the recruiting events at which it participates, and a list of the materials it prepares for firefighter applicants.

Below is a chart of demographics for the two most recent civil service exams and subsequent fire academy classes.

2012 Exam (8 Academy Classes)

	Asian	Black	Hispanic	Native American	Other	White	Men	Women		Total
# Applicants	1,864	12,762	13,574	279	1	30,943	55,874	3,548		59,423
# Test Takers	1,318	8,219	9,638	180	1	23,007	40,407	1,955		42,363
# Passed Exam	1,276	7,904	9,380	173	1	22,717	39,534	1,916		41,451
# invited to academy	66	438	568	7	0	1,506	2,528	44		2,572
# graduated	62	388	527	6	0	1,319	2,271	31		2,302

2017 Exam (7 Academy Classes as of May, 2022)

	Asian	Black	Hispanic	Native American	Unknown	White	Men	Women		Total
# Applicants	3,341	20,516	19,704	420	8	28,622	63,449	9,161		72,611
# Test Taker	2,032	11,404	12,346	241	6	20,288	42,172	4,144		46,317
# Passed exam	1,926	10,625	11,879	215	6	19,867	40,558	3,958		44,518
# invited academy	89	240	418	8	128	1,100	1,814	72		1,983
# graduated	80	224	387	5	0	1,127	1,758	65		1,823

40

As the numbers above reflect, there has been a gradual increase in racial diversity of the FDNY applicant pool and academy classes. However, there are still significant disparities in the demographic composition of individuals invited to the fire academy, and within the firefighting ranks as a whole. In response to a 2018 Council inquiry, the FDNY provided the following projections for diversity in the coming years: “If [FDNY] continue[s] to diversify at the same

⁴⁰ FDNY: Firefighter Demographic Report; available at: <https://www1.nyc.gov/site/fdny/about/resources/data-and-analytics/firefighter-demographics-reporting.page>.

rate as today, and rates of retirement and hiring remain the same, [the Department] would see the population of the FDNY reaching the same diversity as New York City over the next 3-4 testing cycles. In that same period, we would expect female candidates to be over 10% of the FDNY force, 3 points above the national average of 7%.”⁴¹

VII. CLAIMS OF HOSTILE WORK ENVIRONMENT AT FDNY

Since the DOJ/Vulcan lawsuit against the FDNY in 2007, there have been regular public reports regarding the hostile work environment within the Fire Department faced by women, ethnic minorities and members of the LGBTQ community. Various news agencies have highlighted “hazing” incidents within firehouses, an issue that some claim perpetuates the lack of diversity and attrition issues within the Department. In 2021, a lawsuit was filed against Queens firefighters who allegedly hazed a rookie colleague for being Hispanic and suffering from PTSD after his service in the United States Navy.⁴² In 2022, an openly gay firefighter sued the Department for discrimination based on his sexual orientation and claiming he was repeatedly called homophobic slurs.⁴³ Additionally, following numerous incidents of racist and discriminatory behavior within the department, particularly during a time of civil unrest following the murder of George Floyd in 2020, the FDNY initiated disciplinary actions against nine members with punishments involving suspension without pay up to six-months for some offenders.. These

⁴¹ 2018 FDNY correspondence to NYCC – On file with Committee staff.

⁴² FDNY Rookie and Navy Vet Hazed by Queens Firefighters for His Race/PTSD Suit. New York Post. June 17, 2021 at <https://nypost.com/2021/07/17/fdny-rookie-and-navy-vet-hazed-by-queens-firefighters-for-his-race-ptsd-suit/>

⁴³ Gay Firefighter Sues FDNY Alleging Discrimination Based on His Sexual Orientation NY1 News April 4, 2022 <https://www.ny1.com/nyc/all-boroughs/news/2022/04/04/ny1-exclusive--gay-firefighter-sues-fdny--alleging-discrimination-based-on-his-sexual-orientation>

incidents included the use of inappropriate and racist comments made by uniformed firefighters.⁴⁴

VIII. LEGISLATIVE ANALYSIS

Int. No. 516

The proposed legislation would require the Fire Department, in consultation with the Department of Citywide Administrative Services, to develop and implement a plan for ensuring that the racial, ethnic and gender demographics of the Department's firefighters reflect that of the City's population as a whole. Such plan would include identifying and remedying existing obstacles in the recruitment and retention of firefighters from underrepresented backgrounds, targeted recruitment campaigns, and the employment of full-time outreach office to assist with the recruitment and retention of underrepresented firefighters. Additionally, the Fire Department would be required to publicly report each year on its efforts to recruit and retain female firefighters, and firefighters of diverse racial and ethnic backgrounds, including reference to all related budgetary expenditures for such efforts, and the projected increases in the percentage of female firefighters and firefighters of diverse racial and ethnic backgrounds within the Department following each of the upcoming three testing cycles. This bill would take effect immediately upon enactment.

Int. No. 519

The proposed legislation would require the Fire Department to survey each firehouse to determine the permanent facility upgrades necessary to ensure a safe working environment for a mixed gender workforce. No later than six months after completion of the survey, the Department would be required to issue a public report on the findings of the survey detailing the

⁴⁴ How a Racist Scandal at the FDNY Led to its Biggest Suspensions Ever. New York Times October 1, 2021 at <https://www.nytimes.com/2021/10/01/nyregion/fdny-racism-scandal.html>

permanent facility upgrades necessary at each firehouse, as well as a plan to implement such upgrades. The Fire Department would be required to complete permanent facility upgrades identified in the report no later than five years after report submission. This bill would take effect immediately upon enactment.

Int. No. 552

The proposed legislation would require the Fire Department to publicly report each year on the number of officers and members of the uniformed force assigned to each firehouse; disaggregated by gender and race or ethnicity; as well as the number of individuals who reside within the geographic area that each firehouse covers, disaggregated by gender and race or ethnicity. This bill would take effect immediately upon enactment.

Int. No. 553

The proposed legislation would require the Fire Department, in consultation with DCAS and the City's Commission on Human Rights, to develop and implement a plan for providing ongoing training and education to all members and staff regarding harassment, diversity and inclusion. Such plan would include annual in-person training regarding the Department's harassment policies, and diversity and inclusion for all Fire Department staff and members. The Fire Department would also be required to post a report each year on its website regarding efforts taken to implement the diversity, inclusion and harassment training plan. This bill would take effect immediately upon enactment.

Int. No. 560

The proposed legislation would require the Fire Department to submit a public report on complaints filed with the Department's Equal Employment Opportunity Office regarding potential violations of the City's Equal Employment Opportunity Policy. The report would

include information about the number of complaints that resulted in corrective action taken by the Fire Department, and be disaggregated by the form of corrective action, including but not limited to formal reprimand, fine, loss of pay or benefits, transfer, suspension, demotion and termination. This bill would take effect immediately upon enactment.

IX. CONCLUSION

Although the FDNY has enhanced its efforts in recent years to recruit women and minorities, resulting in more historically underrepresented groups taking the firefighter exam, the number of women and minority firefighters remains extremely low relative to both other City agencies and other firefighting agencies across the country. Beyond recruitment, the Committee wants to have a better understanding of the obstacles faced by women and minorities seeking to become New York City firefighters and what ongoing steps the Department has taken, or plans to take, in order to remove existing barriers and further increase Department diversity.

Int. No. 516

By The Speaker (Council Member Adams) and Council Members Abreu, Ung, Avilés, Restler, Won and Bottcher

A Local Law to amend the administrative code of the city of New York, in relation to demographic diversity within the fire department

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

15-141 Firefighter demographic diversity. a. The department, in consultation with the department of citywide administrative services, shall develop and implement a plan for ensuring that the racial, ethnic, and gender demographics of the department's firefighters reflect that of the city's population as a whole. Such plan shall address the targeted recruitment and retention of diverse firefighters and shall include, but need not be limited to:

1. Identifying and remediating obstacles faced in the recruitment, examination, training, hiring, and retention of female firefighters and firefighters of diverse racial and ethnic backgrounds, including through surveying current and candidate firefighters regarding personal experiences within the department;

2. Implementing recruitment campaigns, including the use of online, print and billboard advertisements, that target the hiring of female firefighters and firefighters of diverse racial and ethnic backgrounds; and

3. Maintaining a full-time staff of outreach coordinators to support the recruitment and retention of female firefighters and firefighters of diverse racial and ethnic backgrounds, such unit shall attend career events, provide assistance and support for female firefighter candidates

and firefighter candidates of diverse racial and ethnic backgrounds, and coordinate mentorship programs for female firefighters and firefighters of diverse ethnic and racial backgrounds.

b. Reporting. The department shall post a report on its website by March 1st of each year regarding the department's efforts to implement provisions contained within subdivision a of this section during the preceding year. Such report shall include but need not be limited to:

1. An overview of the department's efforts to recruit and retain female firefighters and firefighters of diverse racial and ethnic backgrounds, including reference to all related budgetary expenditures for such efforts;

2. The projected increases in the percentage of female firefighters and firefighters of diverse racial and ethnic backgrounds within the department following each of the upcoming three testing cycles;

3. The number of recruitment events that department representatives attended or held, disaggregated by type of such event;

4. The number of distinct recruitment contacts made with prospective firefighters who are female or of diverse ethnic or racial background, disaggregated by gender and race;

5. The number of individuals who participated in department programming offered to support individuals in preparing for the fire academy and the candidate physical ability test, disaggregated by program offered and further disaggregated by gender and race; and

6. The percentage of candidates within the fire academy who participated in offered mentorship programming, disaggregated by gender and race.

§ 2. This local law takes effect immediately after it becomes law.

Session 12:

LS 9477

JDK

5/25/2022

Session 11:

Int. 1740-2019

LS #8512; 8513; 11089; 11090; 11091

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Int. No. 519

By Council Members Ariola, Hanif, Brewer, Avilés, Hudson and Velázquez

A Local Law to amend the administrative code of the city of New York, in relation to requiring permanent firehouse facility upgrades to ensure a safe working environment for a mixed gender workforce

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

§ 15-141 Permanent firehouse facility upgrades. a. The department shall survey each firehouse to determine the permanent facility upgrades necessary to establish a safe working environment for a mixed gender workforce. In conducting such survey, the department shall consider the current location, layout and level of privacy of bathrooms, bunkrooms, locker rooms, changing areas and any other relevant facility areas.

b. No later than six months after completion of the survey required by subdivision a of this section, the department shall submit to the mayor and the speaker of the council a report on the findings of the survey detailing the permanent facility upgrades necessary at each firehouse to establish a safe working environment for a mixed gender workforce, as well as a plan to implement such permanent facility upgrades at each firehouse.

c. No later than five years after submission of the report required by subdivision b of this section, the department shall complete implementation of the permanent facility upgrades identified in such report at each firehouse.

§ 2. This law takes effect immediately after it becomes law.

Session 12:
LS 9475
JDK
5/25/22

Session 11:
Int. 1741-2019
MHL
LS #10588; 11085

Int. No. 552

By Council Members Riley, Cabán, Marte, Hudson and Restler (by request of the Bronx Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at firehouses

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

§ 15-141 Annual report on demographic information of members of the department at firehouses.

a. No later than January 15, 2023, and annually thereafter, the department shall submit to the mayor and the speaker of the council, and post on its website, a report containing the following information:

1. The number of officers and members of the uniformed force of the department assigned to each firehouse, disaggregated by gender and race or ethnicity; and

2. The number of individuals who reside within the geographic area that each firehouse covers, disaggregated by gender and race or ethnicity.

b. For purposes of the public report required pursuant to subdivision a of this section, if a category contains between one and five members of the uniformed force, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

§ 2. This law takes effect immediately.

Session 12:

LS 9330

JDK

5/24/22

Session 11:

Int. 1752-2019

MHL

LS #10295; 10590

Int. No. 553

By Council Members Riley, Cabán, Abreu, Marte, Avilés, Hudson, Restler and Won (by request of the Bronx Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement training on diversity, inclusion, and harassment

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

15-141 Diversity, inclusion, and harassment training. a. The department, in consultation with the department of citywide administrative services and commission on human rights, shall develop and implement a plan for providing ongoing training and education to all members and staff regarding harassment, diversity and inclusion. Such plan shall include, but not be limited to:

1. Providing annual in-person training for all department staff and members regarding the department's harassment policies;

2. Providing annual in-person training for all department staff and members regarding diversity and inclusion, which shall include but not be limited to instruction on: (a) cultural sensitivity, (b) conscious and unconscious biases in relation to race ethnicity, gender and sexual identity, and (c) fostering positive attitudes regarding departmental diversity and inclusion;

3. Providing members and staff in supervisory roles with training on promoting inclusion within the workplace, and identifying and remedying workplace discrimination and harassment, including through mediation and restorative practices;

4. Providing advanced training on diversity, inclusion and the department's harassment policies to dedicated staff and members responsible for visiting firehouses on a rotating basis to

provide counseling, training and mediation sessions on issues related to diversity, inclusion and harassment; and

5. Engaging with department staff and members, including affinity group leaders, on a quarterly basis regarding efforts the department should take to improve workplace culture for firefighters of diverse backgrounds.

b. Reporting. The department shall post a report on its website by March 1st of each year regarding efforts taken to implement the diversity, inclusion and harassment training plan as required by subdivision a of this section. Such report shall include but not be limited to details on specific department actions and budgetary commitments made to implementing each provision contained within subdivision a of this section.

§ 2. This local law takes effect immediately after it becomes law.

Session 12:
LS 9331
JDK
5/24/2022

Session 11:
Int. 1768-2019
LS #10589; 10592; 11091

Int. No. 560

Council Members Williams, Cabán, Abreu, Avilés and Restler

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

§ 15-141 Annual report on equal employment opportunity complaints. a. Definitions. For purposes of this section, the following terms have the following meanings:

EEO complaint. The term “EEO complaint” means a complaint filed with the equal employment opportunity office of the department regarding a potential violation of the city’s equal employment opportunity policy.

b. No later than 30 days after the end of each fiscal year, the department shall submit to the mayor and the speaker of the council, and post on the department’s website, a report containing the following information:

1. The number of EEO complaints filed during the previous fiscal year;

2. The number of EEO complaints resolved during the previous fiscal year;

3. Of the EEO complaints in paragraph 2 of this subdivision, the number of EEO complaints not substantiated, and further disaggregated by reason the complaint was not substantiated, including but not limited to a determination that the alleged conduct subject to complaint did not occur, determination that the conduct subject to the complaint occurred but did not violate the city’s equal employment opportunity policy, or a determination that conduct subject to complaint occurred and violated the city’s equal employment opportunity policy but the identity of the offending party was unable to be ascertained;

4. Of the EEO complaints in paragraph 2 of this subdivision, the number of EEO complaints substantiated; and

5. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints withdrawn prior to a final determination;

6. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints resolved through mediation; and

7. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints that resulted in corrective action taken by the department, and further disaggregated by the form of correction action, including but not limited to formal reprimand, fine, loss of pay or benefits, transfer, suspension, demotion and termination.

c. No report required pursuant to subdivision b of this section shall contain personally identifiable information.

§ 2. This law takes effect immediately.

Session 12:
LS 9476
JDK
5/25/22

Session 11:
Int. 1761-2019
MHL
LS #1059