

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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COMMITTEE ROOM 16TH FLOOR

B E F O R E: JOANN ARIOLA, CHAIRPERSON

COUNCIL MEMBERS: DAVID M. CARR  
CARMEN N. DE LA ROSA  
OSWALD FELIZ  
JAMES F. GENNARO  
ROBERT F. HOLDEN  
ARI KAGAN  
KEVIN C. RILEY  
LYNN C. SCHULMAN  
KALMAN YEGER  
GALE BREWER

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

JOSH KINGSLEY, Committee Counsel

JASON SHELLY, Assistant Commissioner  
External Affairs

MICHAEL CAVANAGH, FDNY member

FRANK DADES, FDNY EMT

DOMINICK DEFRANCO, Paramedic

HALEY FUMIKO SATO, EMT

JORDAN TYMONY, FDNY EMT

REGINA WILSON, Vulcan Society

JOSEPH CAVANAGH, Retired firefighter

MICHAEL NIGRO, Retired FDNY Captain

TYEISHA PUGH, United Women Firefighter  
Association

SHABELL MCCALLUM (phonetic)

SERENA SWISKLE (phonetic), FDNY  
Lieutenant

2 SERGEANT AT ARMS: Sound check for the  
3 Committee on Fire and Emergency Management. Today's  
4 date is September 19th, 2023. Being recorded by  
5 Danny Huang (phonetic) on the 16th Floor.

6 SERGEANT HUANG: Good morning. Welcome  
7 to the New York City Hybrid Hearing on the Committee  
8 on Fire and Emergency Management. Please silence all  
9 electronic devices. At no time, please do not  
10 approach the Dias. If you have any questions kindly  
11 raise your hand and we the Sergeant at Arms will  
12 assist you. Thank you very much for your kind  
13 cooperation. Chair, we are ready to begin.

14 CHAIRPERSON JOANN ARIOLA: Good morning.  
15 My name is Joann Ariola and I am the Chair to the  
16 Fire and Emergency Management Committee. Today we  
17 are holding a hearing on legislation that will be  
18 introduced by Council Member Gale Brewer at the next  
19 Stated Meeting of which I am a co-Prime sponsor along  
20 with my fellow committee members, Holden, Yeger and  
21 Carr. This bill which we are hearing pre-considered  
22 will be introduced at the next stated meeting. I am  
23 going to create a one time exception to the maximum  
24 age requirement for membership in the fire department  
25 for certain persons during the next promotional exam

1 period. Before moving forward with my opening  
2 statement, I would like to acknowledge the members of  
3 the Fire and Emergency Committee who are here today.  
4 Council Members Holden, Kagan, Carr, and Schulman. I  
5 would also like to thank Council Member Brewer who I  
6 believe is currently on her way. And I would like to  
7 thank the member of the public and representatives  
8 from the administration who are here to provide  
9 testimony. I would like to briefly discuss why we  
10 are here today and why I support this important piece  
11 of legislation. This past June we held an oversight  
12 hearing examining the past to promotion within the  
13 New York City Fire Department. During that hearing,  
14 we focused on what the department calls its  
15 Promotional Exam which allows EMS workers who have  
16 not surpassed their 29th birthday to qualify to  
17 become a New York City Firefighter. The city last  
18 held this exam in 2016. And despite historically  
19 offering the exam every four to five years has still  
20 not held one as a result of delays due to the COVID  
21 19 pandemic. The city has now set the registration  
22 period for the next exam to be held in 2024.  
23 Registration begins this November. Unfortunately,  
24 the long pause in exam scheduling resulted in  
25

1 numerous EMS workers who would have otherwise been  
2 eligible to take the exam, to be unfairly  
3 disqualified due to surpassing the maximum age  
4 requirement. The introduction we are hearing today  
5 seeks to remedy this issue by permitting those  
6 individuals who missed out due to the COVID 19 delays  
7 to take the next promotional exam offered by the  
8 City. This one-time extension granted by the bill  
9 will only be available for certain individuals who  
10 have been affected by the pandemic's disruption.  
11 Those who would have otherwise been eligible had the  
12 city given the test in its usual frequency. As we  
13 witnessed during this June's hearings many hard-  
14 working EMTs and paramedics delivered inspiring  
15 testimony describing their immense desire to become  
16 New York City firefighter but had been disqualified  
17 due to their age. They expressed that they would  
18 simply like the opportunity to take the promotional  
19 exam. We also heard testimony on the financial and  
20 emotional strain that it has placed on our city's  
21 emergency medical staff on a daily basis with workers  
22 often having to take on a second job and maximizing  
23 overpay time to ensure they are earning a living  
24 wage. Throughout the deadly COVID-19 pandemic, New  
25

2 York City EMS workers were literally the City's first  
3 responders in providing essential medical assistance.  
4 During this challenging time for New York City, our  
5 EMS workers proved to everyone the vital and heroic  
6 role they served in. We should at the very least  
7 give them the fair opportunity to take the  
8 promotional exam and continue to serve our city in a  
9 new capacity. I now ask our Committee Counsel, Josh  
10 Kingsley to administer the oath to the  
11 Administration.

12 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
13 you Chair for the update. We will be hearing from  
14 Assistant Commissioner of External Affairs, Jason  
15 Shelly. Jason, can you raise your right hand and  
16 repeat the following. I affirm to tell the truth,  
17 the whole truth and nothing but the truth before this  
18 Committee and to answer honestly to Council Member  
19 questions?

20 JASON SHELLEY: I do

21 JOSH KINGSLEY: Go ahead, sir. Thank  
22 you.

23 JASON SHELLEY: Good morning, Chair  
24 Ariola and members of the Fire and Emergency  
25 Management Committee. My name is Jason Shelly. I am

Assistant Commissioner for External Affairs at the New York City Fire Department. I appreciate the opportunity to speak with you today about the Emergency Medical Service (EMS) promotional exam. Many members of FDNY/EMS are interested in becoming fire fighters and enroll in a promotional exam that enables them to become FDNY fire fighters. The promotional exam creates an opportunity for EMS members to become fire fighters without taking the open and competitive exam. This exam is offered periodically on a cycle that is generally four to five years. The most recent promotional exam was offered in December 2016. Unfortunately, the COVID-19 pandemic delayed the exam cycle and though the next Promotional Exam was expected to have taken place in late 2020, that exam was not given and it has been delayed every since. One side effect of this delay is that some members of the EMS who would've been eligible to take the Promotional Exam as it was originally scheduled have now become ineligible under Administrative 15-103 which holds that to become a firefighter an individual must not have reached his or her 29th birthday on the day of the filing for the exam. The fire department views

2 this outcome as inequitable and unfair to the members  
3 who are affected. I know that members of the  
4 Committee share this concern. And I am grateful for  
5 Chair Ariola's partnership and her active commitment  
6 to this issue. Working with our colleagues at the  
7 Department of Citywide Administrative Services and  
8 the New York City Law Department, I am proud that we  
9 have worked out a legislative solution. The bill  
10 that the Committee is hearing today makes a one-time  
11 exception to the maximum age requirement for the  
12 upcoming Promotional Exam. This will enable the  
13 affected members of EMS to be eligible to take the  
14 exam just as they would have if the exam had not  
15 been delayed by the pandemic. We are grateful to the  
16 City Council, to our partners in Administration for  
17 working out a solution. The affected EMS members are  
18 already making valuable contributions to this city  
19 and to the people of New York and we value them as  
20 members of the department. It would've been wrong to  
21 leave them behind due to a phenomenon that was out of  
22 the control of the members and of the city. And  
23 thanks to the action taken by the Council today and  
24 further with this bill, that will no longer be the  
25 case. And I just want to mention that I specifically



2 mention Chair Ariola you've been a tremendous  
3 advocate for our members on this issue. We have  
4 heard from a number of council members, there has  
5 really been great interest and so thank you to you  
6 and to your colleagues. Thanks very much.

7 CHAIRPERSON JOANN ARIOLA: Thank you.

8 So, Jason, how many EMS workers took the last  
9 promotional exam and how many succeeded in becoming  
10 fire fighters, if you have that information?

11 JASON SHELLY: A little over 1,100 took  
12 the exam, a little over 900 became fire fighters.

13 CHAIRPERSON JOANN ARIOLA: And does the  
14 department make EMS workers aware of their ability to  
15 take the Promotional Exam to become a fire fighter,  
16 either during the pre-employment recruitment stage or  
17 after they have joined the department?

18 JASON SHELLY: Yes. It's a pretty robust  
19 system. We have in the past and we will for this  
20 exam, reach out to every eligible member. See  
21 whether they are interested. We will do that before  
22 the enrollment period opens and we will do that  
23 throughout to make sure and then give them a reminder  
24 of when the exam is coming up. And actually, if they  
25 choose to do it, to take the exam. We remain in

2 contact with them throughout the other steps so  
3 saying your CPAD is coming up. We try to give them  
4 ways. We try to give them ways to prep for that CPAD  
5 exam. We assign them a mentor that they ask  
6 questions and understand anything that needs  
7 clarification. So, we try to really work with them  
8 through the entire process. And that mentor actually  
9 stays with them through not only the fire academy but  
10 through the first month or so at the fire house.

11 CHAIRPERSON JOANN ARIOLA: Great. And  
12 how many individuals were affected by the delay in  
13 offering the Promotional Exam?

14 JASON SHELLY: By our calculations a  
15 little over 320. I think 324 would have been  
16 eligible but not eligible now.

17 CHAIRPERSON JOANN ARIOLA: Okay. At this  
18 time, I would like to yield to my colleagues to see  
19 if they have any questions? I'm sorry. Council  
20 Member Holden.

21 ROBERT HOLDEN: Thank you Chair. That  
22 was quick. Question Commissioner. Why wasn't the  
23 test given in 2022 or it just seems to me that this  
24 is actually good for the fire department. I don't  
25 know if it's good for EMS to lose so many. But this

2 is -- you're -- they kind of, they have a head start.  
3 They've had training in a very key area.

4 JASON SHELLY: Yeah.

5 ROBERT HOLDEN: Of a fire fighter. So,  
6 when you say these exams are given four to five  
7 years. Why isn't it a regular cycle, first of all,  
8 like every four years or every three years? And then  
9 when the pandemic was really over in 2022 why wasn't  
10 it just automatically given?

11 JASON SHELLY: Yeah. It's a good  
12 question. The department head at Citywide  
13 Administrative Services issues these exams. I know a  
14 number of exams were delayed during that pandemic.  
15 My best guess is that they were digging out from it.  
16 There were a number of exams that were backed up and  
17 so they were working through those. But  
18 specifically, why wasn't '22 why it is now -- I'm not  
19 exactly sure.

20 ROBERT HOLDEN: Yeah. Because it almost  
21 seems that people use the pandemic for not doing  
22 certain things. Which you can still give exams  
23 during the pandemic. There could've been, you know,  
24 people did work. People did come to work. The EMS  
25 workers were there. They didn't work remotely. So,

2 it's kind of like a kick in the head. That they  
3 didn't get it and then we had to come, we had to do  
4 Legislation to rectify it. It just seems very, very  
5 unfair. I'm glad you, the department recognizes this  
6 but I'm thinking now that we probably should get on a  
7 regular cycle and hold to it. And even if there,  
8 there are pandemics ahead of us that we can figure  
9 out a way to give the exam. So, because, you know,  
10 school went on in '22. There were a lot of,  
11 everybody, you know, went back to work and that's  
12 what I'm concerned about that we have to do  
13 something that the partnership should've taken. And  
14 I'm not even sure that it needs legislation, but, you  
15 know, I guess it does. But I'm not sure that the  
16 Commissioner or the Mayor could've said look there  
17 was a, you know a lull, let's rectify this and give  
18 the exam in '22. But somebody in the department I  
19 think was asleep at the wheel. And that, or at  
20 least, like you said in the Administrative Services  
21 that should've been handled and somebody should've  
22 said that rather than us sitting here. So, but I  
23 thank you for your testimony. Thank you for your  
24 support.

2 JASON SHELLY: Yeah. My understanding is  
3 this wasn't just about Fire Department Exams it was;  
4 it was all exams. But your point was very well taken  
5 and I remember, nobody needed more work during the  
6 pandemic than our members specifically, or EMS  
7 members. They were really putting themselves on the  
8 line every single day.

9 ROBERT HOLDEN: Right. So, those are the  
10 last people that you wanted to, to victimize. Yeah.  
11 So, that's why, you know they had a tough time during  
12 the pandemic. The EMS they, they got COVID a lot.  
13 They really didn't get tested very well. They had to  
14 do it on their own time. There's a lot of inequities  
15 and to, for this, this is just another kind of you  
16 know, unfair situation for them which is, there seems  
17 to be a lot. So, what I would like is, is so we can  
18 get on a regular schedule and hold to it and then  
19 announce you know way in advance. Thank you.

20 CHAIRPERSON JOANN ARIOLA: Just as in  
21 follow up had the city planned to offer a promotional  
22 exam in 2020? Was there a, outreach for that  
23 promotional exam and then it was cancelled?

24 JASON SHELLY: There, there was a plan to  
25 offer it in late 2020, December of 2020. I don't

2 know about the outreach. I don't know how far along  
3 that was before it was cancelled because I think DCAS  
4 exams were cancelled as of the spring and so I, I can  
5 check on whether we how far along that process.

6 CHAIRPERSON JOANN ARIOLA: And I know  
7 that we were talking about registration opening in  
8 October and now it's November. Do we have a date in  
9 November?

10 JASON SHELLY: November 1st. I, I  
11 checked that yesterday to be ready for, for today and  
12 I was told November 1st, will be the opening of it.

13 CHAIRPERSON JOANN ARIOLA: Yeah. I mean,  
14 just, I, like my, the members of the Committee to  
15 know that this has been a very long process with the  
16 Administration with, with the fire department because  
17 first they didn't think we needed legislation. Then  
18 we went to DCAS. So, there's a lot of work put into  
19 this, a lot of thought and it did take a little bit  
20 of time but we were always on the same page that this  
21 particular population needed to be able to take the  
22 test. So that's, that's probably why there was such  
23 a, a length of time because there was some  
24 differences of opinion from the legal department and  
25

2 such. But it finally came down to legislation and  
3 thankfully we have it. Council Member Schulman.

4 LYNN SCHULMAN: Thank you very much. I  
5 think this is a great bill. I'll be signing on to it  
6 today and I as a former member of EMS on the Admin  
7 side, not on the medical side and my, my late partner  
8 was an EMS Lieutenant. This is really important.  
9 So, I have a couple of questions. Does the  
10 Department make EMS workers aware of their ability to  
11 take promotional exams to become fire fighters,  
12 either during the pre-employment recruitment stage or  
13 after they join the department?

14 JASON SHELLY: Yes. We do. It's a  
15 proactive outreach to everybody who is a member who  
16 is eligible to take the exam. That's the first cut  
17 to say this Exam Enrollment Period is going to be  
18 opening. And then we stay in touch with them through  
19 emails, through text messages, through phone calls to  
20 let them know, remind them that, you know, that  
21 deadline is coming up and you need to enroll and then  
22 once you've enrolled remind them of when the exam is  
23 and when it's going to be and, and, you know these  
24 are out members already. They are already members of  
25 the fire department. So, it's easy for us to stay in

2 touch with them and try and help them along the  
3 process as best we can.

4 LYNN SCHULMAN: Okay. And the, I'm going  
5 to say when, question is if, but I'm going to say  
6 when the legislation passes does the department plan  
7 to do the necessary outreach to ensure everyone is  
8 aware of their eligibility to take the next  
9 promotional exam?

10 JASON SHELLY: Yes. And that's exactly  
11 what I was just mentioning with the phone calls and  
12 the texts and the emails. We're going to be making  
13 sure people know that they are eligible and we're  
14 going to make sure they know when they can be signing  
15 up.

16 LYNN SCHULMAN: And Assistant  
17 Commissioner I want to say for folks that are  
18 listening that we've known each other a long time and  
19 you do a really great job so I want to recognize  
20 that.

21 JASON SHELLY: Oh, thank you very much.

22 LYNN SCHULMAN: You're welcome. I'm done  
23 Chair, thank you.

24 CHAIRPERSON JOANN ARIOLA: Council Member  
25 Kagan.



2 ARI KAGAN: Thank you. Good morning.  
3 Thank you. Good morning. First of all, I would like  
4 to commend Chair Ariola for hosting this important  
5 hearing on this issue and same to my colleagues. So,  
6 I have a few comments and questions. So, first of  
7 all I have a question regarding this age limit. Why  
8 did we not get away from this age limit all together?  
9 Does this exam include some physical tests, et  
10 cetera. Like why do you need like 29 years, 30  
11 years, 35 years, age any why?

12 JASON SHELLY: I'm not sure I know why we  
13 have an age limit as a whole. A number of uniformed  
14 services in the city have a -- historically have an  
15 age limit as you know. There is a physical component  
16 to this, not to the written test. There's something  
17 called the CPAT, a Candidate Physical Ability Test  
18 that takes place as part of this process. It is a  
19 physically demanding job as -- as you know and not  
20 everybody necessarily is cut out for it.

21 ARI KAGAN: Yeah. But that's 35 or so,  
22 36 or so and can pass all of these tests and  
23 physically strong. Why do we need this 29, 30, et  
24 cetera.

2 JASON SHELLY: Yeah. It's a good  
3 question. I think the -- the age limit probably has  
4 less to do with the front end of people being 29  
5 versus 31 versus the back of how long people stay and  
6 what -- the physical demanding toll on older fire  
7 fighters. But the idea of -- of whether we need it  
8 and whether it's set correctly is a -- is a good one.  
9 It's come up before and I think we'd probably be open  
10 to discussion on whether that is 29.

11 ARI KAGAN: So, you're open to get rid of  
12 age requirement in general?

13 JASON SHELLY: We'd be open to discuss it  
14 for sure.

15 ARI KAGAN: Good. Second question, is  
16 why is the start in salary? I believe this issue was  
17 raised before at the public hearing. Is the starting  
18 salary for EMS workers in New York City is starting  
19 is \$39,000 a year.

20 JASON SHELLY: EMS members are paid not  
21 nearly enough for the value they provide for the  
22 city. I think you're definitely right about that.  
23 We've had some success lately particularly under  
24 Commissioner Cavanaugh and pushing to improve that.  
25 I know they -- members got a historic 30 percent

2 increase in salary under their last collective  
3 bargaining and we've looked for other ways as the  
4 department has looked for other ways for people to  
5 earn money. There are differentials for B-herd  
6 (phonetic) training for instance. For taking place  
7 in the Counter Terrorism Rescue Task Force. We've  
8 tried to identify additional ways for people to -- to  
9 earn more money and get them closer. But you are  
10 certainly right that they are -- I -- I would say  
11 that they are underpaid for sure.

12 ARI KAGAN: And also, is it true that  
13 other cities and states across the country completely  
14 opposite they're asking for promotional exams to  
15 become EMS workers as a result of the higher pay for  
16 EMS workers?

17 JASON SHELLY: I'm -- that I'm not -- I'm  
18 not so sure about.

19 ARI KAGAN: Okay. I believe that they  
20 are clearly underpaid. And they -- they are expected  
21 but not if you judge by their pay and I believe this  
22 is like once permission, it should be rectified. I  
23 know it's a collective bargaining in the center but  
24 it's so unfair that our brave EMS workers make less  
25 than a person who is doing burgers in McDonald and

2 giving respect to every profession but like they're  
3 risking their lives very often. So, I believe it's  
4 totally unacceptable in the capital word and this age  
5 requirement in my opinion is also unacceptable. The  
6 only criteria a should be physical strength and  
7 physical ability of the person to do the job. So, I  
8 strongly support this legislation but I believe we  
9 need to go much, much further. Thank you.

10 CHAIRPERSON JOANN ARIOLA: Thank you.  
11 Council Member Carr.

12 DAVID CARR: Thank you Chair. Thank you  
13 Chair. Thanks so much for your testimony. Council  
14 Member -- Thank you so much Chair. Assistant  
15 Commissioner thank you for your testimony. Council  
16 Member Shulman asked my questions about outreach so  
17 that's been covered but I -- I wanted to ask. You  
18 know hopefully a good number of folks for EMS succeed  
19 in the forthcoming examination and they move to their  
20 new title. Are there plans to do an EMS exam in the  
21 near future thereafter because obviously we're going  
22 to need to fill those ranks again.

23 JASON SHELLY: Yeah, we've been bringing  
24 in three classes a year.

25 DAVID CARR: Okay.

2 JASON SHELLY: We staff up, we're  
3 actually at capacity. We staff up in anticipation of  
4 this but there's no doubt that it takes a toll on the  
5 ranks of EMS as people move over to become fire  
6 fighters and so we will continue pushing those  
7 classes through as quickly as we can to make sure  
8 we're staying as close to head count as we can.

9 DAVID CARR: And what is the head count?

10 JASON SHELLY: It's roughly -- it's 4400.  
11 I think we are budgeted for 4,447 we are just over  
12 that right now.

13 DAVID CARR: Okay. Great. Thank you.  
14 So, I'll just say I appreciate so much the work of  
15 the administration in particular Fire, DCAS, Law and  
16 of course City Hall in collaborating with us here in  
17 the Council. I thank the lead sponsor, Council  
18 Member Brewer and of course the leadership of our  
19 Committee Chair Joann Ariola for making this a  
20 reality and the advocacy of so much who are here  
21 today and were at the last hearing and never letting  
22 up on this crucial matter. I'm so proud to be a co-  
23 sponsor of the bill. So, thank you.

24 JASON SHELLY: Thank you.

2 CHAIRPERSON JOANN ARIOLA: Okay. At this  
3 point thank you so much Assistant Commissioner for  
4 your testimony. It was great to see you. KAnd it's  
5 been great working with you to get to this day. So,  
6 thank you so much and thank Commissioner Cavanagh as  
7 well.

8 JASON SHELLY: I will. Thank you very  
9 much.

10 CHAIRPERSON JOANN ARIOLA: Thank you so  
11 much.

12 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
13 you Chair. Thank you, Jason. Next, we will head to  
14 the public testimony. So, we're going to start with  
15 folks who are in person and then we'll pass it off to  
16 individuals who are registered on Zoom. First, we  
17 will hear from, oh wow, Michael Cavanagh first.

18 MICHAEL CAVANAGH: Okay.

19 JOSH KINGSLEY, COMMITTEE COUNSEL: For  
20 members of the public, if you just want to submit  
21 testimony online, you can just email it to  
22 testimony@council.nyc.gov or you can give written  
23 copies as well.

24 MICHAEL CAVANAGH: Good morning. Before  
25 I start, I'd like to thank the Council for having

1 this meeting and inviting myself along with my  
2 colleagues. My name is Michael Cavanagh. I am 27  
3 years old and I've been a member of the FDNY since  
4 2018. Currently, I am on track to graduate from the  
5 FDNY Paramedic Basic Program in November. Prior to  
6 pursuing paramedic training, I spent five years in  
7 Station 47 in Rockaway Beach as an Emergency Medical  
8 Technician. Station 47 is the unique station for it  
9 shares quarters with the fire house. Many of the  
10 members of the fire house came through EMS. It could  
11 be seen on medical calls that the engines respond to.  
12 The skills we bring as EMTs and paramedics do not  
13 leave the department, it becomes an asset. Unlike  
14 normal civilians who get hired off of the open  
15 competitive exam, EMTs and paramedics have basic  
16 understanding of radio codes, 9-1-1 emergency  
17 experience and most importantly we know what high  
18 standards the great fire department in the world  
19 holds us to. Due to COVID-19 we have been denied a  
20 chance at career advancement. Over the past five  
21 years, I've worked with members ranging from 20 years  
22 of age to 60 years of age. Over time and slowly but  
23 surely, they have become my family. In that time  
24 frame many members of my family have either reached  
25

1 their 29th birthday or left EMS completely to pursue  
2 other careers. Over the past few months, numerous  
3 members have lost hope in advancing their careers  
4 into the fire service. Many of the same members who  
5 didn't think twice to help the people of New York  
6 during the COVID-19 pandemic. The hard work we did  
7 as a service was something our department has never  
8 seen. Normally EMS responds to roughly four to five  
9 thousand calls a day. We responded to eight thousand  
10 plus calls a day. Members all over the city stepped  
11 up for overtime, took time away from their families  
12 and most importantly got the job done while civilians  
13 did their best to stay indoors. I couldn't tell you  
14 a name on this department that didn't contract COVID.  
15 During those times we lost parts of our family as  
16 well. COVID hit us hard but many of us hit COVID  
17 right back. The city does not owe us anything. We  
18 are asking for you to hear our concerns and hope you  
19 support our efforts to get us here today. The normal  
20 testing cycle is every four years. The last filing  
21 was October of 2016 with a test in December of 2016.  
22 It has been over 7 years without a filing or a test.  
23 Had the normal four year testing cycle been honored,  
24 members would have filed for the promotional exam in  
25



2020. The current Open Competitive Exam was given a two-year extension and is set to expire in February of 2025. Further pushing back and an opportunity to promote. The maximum age the fire department allows a member to take the exam is 28, meaning by 29 a member is no longer eligible to take the promotional exam. We are asking for your support in helping members who have passed the age of 29 to have an opportunity to advance their careers on to the fire service. Three years ago, we stood tall against the COVID-19 pandemic. Today we ask you to stand tall with us and help us achieve our goals and become New York City Fire Fighters. Thank you for your time.

CHAIRPERSON JOANN ARIOLA: Thank you for your service. I'm sorry. Mr. Cavanagh.

ROBERT HOLDEN: Thank you, thank you Michael. And again, thank you for five years you worked. Tell me what you bring to the table if you were a firefighter and maybe some fire fighters may not have.

MICHAEL CAVANAGH: So, like I said I'm graduating from the FDNY paramedic program in November. I'm getting advanced life support training, so I can intubate. I can give IVs. That

2 skill actually gets taken away from me becoming a  
3 fire fighter but if I was assigned to an engine  
4 company, I'd be able to use my expertise and medical,  
5 trying to think of what I could say. I could use my  
6 expertise as a medical technician to.

7 ROBERT HOLDEN: No but especially if  
8 there was, let's say an accident where multiple,  
9 there were multiple victims. And fire fighters came  
10 to the scene you could jump in and help stabilize  
11 the, the victim. So, there's a tremendous asset here  
12 that we didn't tap into because of the COVID. But  
13 like I mentioned in my testimony and like, uh, the  
14 Councilman, Councilman Kagan next to me said. What  
15 about the age problem? Because why -- why can't a 32  
16 year old who passes the physical be a fire fighter.

17 MICHAEL CAVANAGH: It's actually fine.  
18 My father is walking in right now. He got hired at  
19 31 or 32 in 1992 I think it was. And that was  
20 because his exam got held up, but he's a perfect  
21 example of somebody who got on past the age of 29.  
22 So.

23 ROBERT HOLDEN: So, so it's been done?

24 MICHAEL CAVANAGH: It's been done.

2 ROBERT HOLDEN: And there's no, there's  
3 no problem with it?

4 MICHAEL CAVANAGH: No.

5 ROBERT HOLDEN: So, we should examine  
6 like my colleague said, the age. You know if  
7 somebody passes the physical, 33 and your fit and you  
8 already, you have a head start and you have more  
9 training. You know, especially in the medical which  
10 is nothing more important than that, then you should  
11 be come a firefighter.

12 MICHAEL CAVANAGH: I, I agree.

13 ROBERT HOLDEN: Thank you. Thanks for  
14 your testimony.

15 JOSH KINGSLEY, COMMITTEE COUNSEL: Great.  
16 Thank you. Thank you so much. Next, we will hear  
17 from Frank Davies, Dades. Okay. Thank you. Press  
18 the button. Okay.

19 FRANK DADES: Good morning. I'd like to  
20 thank you all for taking the time out of your day to  
21 give us the opportunity to share our stories. My name  
22 is Frank Dades. I have been an FDNY EMT since 2018.  
23 I've always had a passion for helping people, and  
24 have held a strong believe in a life of service, so  
25 for the last 9 years of my life I've dedicated to

1 serving the City of New York in multiple ways. After  
2 graduating college, I joined a concrete construction  
3 union. I've had the privilege of working on some of  
4 the biggest projects in the country. One Vanderbilt,  
5 Hudson Yards, Manhattan West, Pier 57 and the World  
6 Trade Center grounds just to name a few. While  
7 working full-time in construction I became a New York  
8 State EMT and filed for the fire department emergency  
9 medical services. As the four years in the  
10 construction industry, it was now time to serve the  
11 City I once helped build. Two years with the  
12 Department came and went before we were faced with  
13 one of the darkest times any of us ever could have  
14 imagined. The COVID-19 pandemic hit. The unknowns  
15 were endless but what we did know was that the people  
16 of our city were relying on us and this was our fight  
17 to face. Stores closed, people worked from home,  
18 streets were empty but what you always saw were the  
19 ambulances that rolled through every street and every  
20 borough responding to those calls in need. We would  
21 work around the clock, 16-hour shift, after 16-hour  
22 shift to help take the weight off of our fellow  
23 coworkers. Some slept in cars, some slept in hotels  
24 to avoid bringing this unknown virus we may have  
25

1 contracted home to our loved ones. This is what  
2 service is, putting the needs of other above your own  
3 no matter the cost and that's what we signed up to  
4 do. Had this unforeseen circumstance never happened,  
5 promotional exam to fire fighter was sent to be  
6 administered in 2020. Now as a result of the  
7 pandemic, it has been seven years since the last  
8 promotional exam has been offered. So many people  
9 who would have been eligible in 2020 have since aged  
10 out due to a strict age limit of 29 years old. My  
11 other colleagues touched upon some other reasons as  
12 to why we seek an age extension for those who have  
13 aged out but I would like to touch on something  
14 different. For some reason the current policy  
15 implies that if we turn 29, we are unqualified to  
16 take the exam. I believe that age does not determine  
17 whether a person is qualified but rather commitment  
18 and capability of one's mental and physical strength  
19 and well-being. Although I am not unique in this  
20 opinion, I could use myself as an example. First,  
21 I'll touch on physical capabilities. From the age of  
22 27 to 28 years old after being a cross-fit athlete  
23 for three years prior, I've competed in bodybuilding,  
24 I've run multiple half marathons, multiple full  
25

1 marathons and received the Orio Palmer Fitness Award  
2 which is the department's highest honor awarded by  
3 the FDNY Health and Fitness Unit which consisted of  
4 grueling tests of physical strength and endurance in  
5 memory of Deputy Chief Orio Palmer who died on 9/11.  
6 At the age of 21, none of this was an option for me.  
7 In fact, it all seemed these physical feats were  
8 impossible at that time. Second, I will touch on  
9 mental capabilities. Aside from my four years of  
10 experience in the construction industry. I have --  
11 can I continue? I have over five years' experience  
12 working as an FDNY EMT where I have had the honor to  
13 serve my home borough, Staten Island, Downtown  
14 Manhattan and now work at the EMS academy as a  
15 certified LIVE instructor and General instructor. I  
16 have learned so much through my experience. I can  
17 make critical decisions in time of chaos and I know  
18 how to remain calm when others around me may not be.  
19 I've been there for people on the worst days of their  
20 lives to treat, comfort and care for. At age 21, I  
21 had none of this. I was a young kid who graduated  
22 college just entering the real world. I knew nothing  
23 of what it was like to work as a first responder and  
24 move -- move toward unknown and sometimes dangerous  
25

1 situations while most other people would run away  
2 from them. I bring these points up to show that  
3 myself nor my colleagues are not any less capable or  
4 qualified to do the job at 29 than we were at 21. On  
5 the contrary, I believe it makes us more of an asset.  
6 When going for a job interview, resumes are usually  
7 required to understand a potential candidates  
8 experience in the field they are pursuing. More  
9 often than not the candidate with the bigger resume  
10 and experience in the field will get the job. A  
11 number does not define whether we are qualified or  
12 not. Instead, it has given us only experience out of  
13 the street but also knowledge, maturity, patience,  
14 dedication and a deep appreciation for the job we are  
15 so very determined to achieve. This is our resume.  
16 We do not expect anything other than the opportunity  
17 to toe the line. In light of the unexpected  
18 setbacks, resulting from the COVID pandemic our  
19 opportunity promotion was delayed and for some taken  
20 away completely. We now ask that you please consider  
21 this one time age extension to allow us the chance to  
22 continue serving the city with the knowledge and  
23 experience we have already gained as proud members of  
24  
25

2 the FDNY. Thank you for your time and consideration  
3 in this matter.

4 CHAIRPERSON JOANN ARIOLA: Seeing no  
5 questions from the Committee. Thank you for your  
6 service.

7 FRANK DADES: Thank you.

8 CHAIRPERSON JOANN ARIOLA: I'd like to  
9 acknowledge that we've been joined by Council Member  
10 Gale Brewer who is prime sponsor of this bill.  
11 Council Member, would you like to make a statement at  
12 this time?

13 GALE BREWER: Yes. Thank you very much  
14 Madam Chair. The mayor decided to have a press  
15 conference in my District this morning so I apologize  
16 for being late. That's why I am late because I am  
17 never usually late. You are certainly the hero of  
18 this topic in terms of making sure that those who  
19 were heroes during COVID continue to get what they  
20 serve so along with you and the other co-sponsors I  
21 am really honored to be introducing this legislation.  
22 We all know it's a one time waiver from existing age  
23 requirement from becoming the fire fighter for EMS  
24 workers who would have otherwise been unable to take  
25 the promotional exam because of when it was cancelled



2 or post-poned we should say in 2020 because of the  
3 pandemic we know how brace fire fighters and EMS  
4 workers are. I don't think anyone would dispute  
5 that. They are public service par exelumps. This  
6 Legislation is a small way to show our appreciation  
7 for this service and to give these heroes a fair  
8 chance to compete for promotions in the fire  
9 department. As you have heard from Mr. Cavanagh and  
10 others, the have the skills and experience to be  
11 successful fire fighters for a whole series of  
12 reasons and obviously the maximum age was a challenge  
13 because of COVID and hopefully this Legislation will  
14 address that. I know it does not take care of every  
15 one who wants to take the exam but I think we are  
16 maximizing opportunity which is consistent with  
17 applicable law and I also know we need to work harder  
18 to get the salaries of the EMS workers to be more in  
19 line with the fire department and the work they do.  
20 That is an ongoing issue. I know this particular  
21 committee is addressing that with the wonderful  
22 chair. So, I want to thank you. I want to thank  
23 your amazing staff and certainly the staff of the  
24 speaker and Cynthia Horneck from my office who has  
25 been so helpful in prioritizing this important bill.

2 I thank you very much and blame the mayor for me  
3 being late. Thank you.

4 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
5 you so much Council Member. Next, we will hard from  
6 Dominick DeFranco.

7 DOMINICK DEFRANCO: Good morning, Council  
8 Members and all in attendance. I'd like to thank the  
9 Council for allowing me to testify for a second time.  
10 I'd also like to thank all parties for attending this  
11 meeting My name is Dominick DeFranco. I am a  
12 paramedic for the FDNY and have been serving this  
13 City for almost seven years. I've been working in  
14 the EMS field for almost 10 years which is about a  
15 third of my life. Today, I am testifying for the age  
16 extension for the upcoming Firefighter promotional  
17 exam and to explain why potential EMTs and paramedics  
18 should be applicable for this. The last Firefighter  
19 promotional exam was over 7 years ago; this has been  
20 the longest period without an exam. The next  
21 upcoming promotional exam was scheduled for 2020;  
22 this was discussed at multiple Firefighter division  
23 meetings with suspected filing dates and the  
24 inclusion of the fire cadets. Unfortunately, COVID-  
25 19 occurred and paused the city. This led to the

1 postponing of the exam, and extending the open-  
2 civilian firefighter exam. This had become a  
3 deterrent for FDNY EMS members who were of age in  
4 2020, and now have aged out within these past three  
5 years. It is an unprecedented situation that is  
6 unfair to these members who were of age at the time.  
7 FDNY EMS members are a valuable asset for the fire  
8 side. They are already familiar with the 911 system,  
9 have prior medical experience, understand fire  
10 operations, and are more eager and determined than  
11 those from the civilian exam. A majority of  
12 diversity and females are extracted from EMS. Most  
13 of the members who were eligible in 2020 have  
14 progressed in their career, and can provide better  
15 care and knowledge than typical FDNY CFR would; this  
16 experience is priceless. As a previous council  
17 member stated in June of this year, "What is the  
18 difference between a 29 year-old firefighter and a 30  
19 year-old firefighter?" NYC has the lowest age  
20 restriction for becoming a firefighter in the country  
21 with surrounding being as old as 35 years of age.  
22 Members would feel cheated if they were unable to  
23 file due to an unpreventable matter and should be  
24 given the opportunity to endure the screening  
25

2 process. Personally, I was the first EMS class after  
3 the previous promotional class, which was 31 days  
4 after I started and today is my 2388th day of working  
5 for the FDNY. On October 4th, I will be 41 days over  
6 age; I was 26 year-old in 2020, and I started the  
7 FDNY at the age of 22. We deserve this age extension,  
8 thank you.

9 CHAIRPERSON JOANN ARIOLA: Thank you for  
10 your service. Any questions from the Committee?  
11 Seeing none. Thank you so much. I'd like to also  
12 recognize that Council Member De La Rosa has joined  
13 the hearing.

14 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
15 you for your testimony. Next, we'll hear from Haley  
16 Sato. Sato. Thank you.

17 HALEY SATO: Good morning. First and  
18 foremost, I would like to thank Councilwoman Ariola,  
19 Councilman Brewer and all others in attending for  
20 hosting this hearing. My name is Haley Fumiko Sato  
21 and I have been an Emergency Medical Technician with  
22 the FDNY since February of 2020. A little under four  
23 months ago, I sat before you and shared my story.  
24 Since that time, four of my colleagues in the same  
25 predicament have resigned from the Department to

1 start new careers. All four of those colleagues were  
2 qualified hardworking individuals and assets to this  
3 department who simply lost hope in regards to an age  
4 extension and could not say no to new opportunities.  
5 Today I sit before you to reiterate my concerns and  
6 continue to fight for the dream that myself and so  
7 many others have to become New York City  
8 Firefighters. After graduating college with a degree  
9 in Nutrition and Exercise Science, I found myself  
10 unfulfilled and unsure of how to pursue a career that  
11 would not only be physically demanding but that would  
12 also allow me to selflessly serve my community.  
13 While working in a local gym, I'm a female training  
14 to become a firefighter. Her determination, drive  
15 and passion for selfless service continues to inspire  
16 me to this day. She gave me career advice that  
17 changed my life, "Join the FDNY". I never grew up  
18 with firefighters as role models, as that isn't a  
19 typical career path in the Japanese American  
20 household. The idea of learning new skills,  
21 connecting with diverse individuals and having a  
22 career with a history like no other all while  
23 creating my own legacy strongly appealed to me. I  
24 entered the EMS academy in February of 2020. Nobody  
25

2 could have ever predicted that a global pandemic  
3 would put the world to a halt the following month.  
4 Classrooms went virtual, restaurants were limited to  
5 take out only, major league sports were suspended and  
6 almost any job could be done remotely. However, the  
7 work of a first responder could not be done from home.  
8 With six weeks of training under my belt, myself and  
9 my classmates were set to the streets early to be the  
10 first responders the citizens of New York City so  
11 desperately needed. As EMTs, we take an oath to  
12 dedicate our lives to the service of humanity and  
13 that showed to be especially true during the city's  
14 darkest times. Because we were in a state of  
15 emergency, myself and my coworkers were mandated to  
16 work 16 hour shifts for multiple days in a row. Many  
17 of us would sleep in our cars in fear of bringing the  
18 virus home to our families. Many of us contracted  
19 the virus ourselves. Many of us showed up to work  
20 grieving the loss of friends, family and coworkers.  
21 Nonetheless we persevered remembering that oath we  
22 took. Since joining the FDNY, I am proud to say I  
23 have already taken multiple opportunities that have  
24 come my way. I have worked on the lower east side,  
25 Washington Heights and Jamaica Queens. In May of

2022, I became a drill instructor at the FDNY EMS academy with Frank Dades. This position not only allowed me to help shape the future of the department, but also to take my background in health and fitness and apply it to our physical training sessions. I am also a member of the FDNY Phoenix Society where I proudly help to bridge the cultural gap in this department. On the streets we advocate for our patients and at the academy I advocate for our students. If the unforeseen circumstance of COVID-19 were to never happen, a promotional exam from the rank of EMT to firefighter -- may I continue -- would have been slated for 2020, given the four year cycle it runs on. Many of our members including myself who would have qualified to take that exam will no longer qualify as we have aged out. I turned 29 years old in March of this past year. I was 25 years old when I got on the job and today, I am 29. We do not feel that we are owed an exam or deserve a handout, we simply would like to have the opportunity that we would've had in 2020 if a global pandemic did not shut down the world. I would like to note that the City of Los Angeles, Los Angeles County, Washington DC and the City of Philadelphia have no

2 maximum age limit in regards to becoming a  
3 firefighter. For the City of Chicago and Houston you  
4 cannot have reached your 36th birthday by the date of  
5 hire. As FDNY EMTs we already are trained to make  
6 life and death decisions in emergency situations. We  
7 have raised the bar of patient care when working in a  
8 fire company and responding to medical calls and we  
9 are already trained in FDNY operations and procedures  
10 that may be foreign to some. I was once told that  
11 you can either choose to be on this job or in this  
12 job by continuously learning and taking every  
13 opportunity that is given me, I choose to be in this  
14 job. They stated good things take time and great  
15 things take a little bit longer. I am confident that  
16 the hard work I put in now will make the feeling of  
17 calling myself the first New York City Firefighter in  
18 my family even more rewarding. Thank you for your  
19 time.

20 CHAIRPERSON JOANN ARIOLA: Haley, before  
21 you go, I would just like to say thank you to you for  
22 advocating so much for your -- your co-workers with  
23 our office through this Committee and really helping  
24 us come to this day. So, thank you so very much.

25 HALEY SATO: Thank you.



2 CHAIRPERSON JOANN ARIOLA: It is very  
3 much appreciated. Council Member Holden.

4 ROBERT HOLDEN: Thank you again for that  
5 great testimony. And for all you've done so far.  
6 Tell me how you felt that you couldn't take a test  
7 but you could work. You could work every day during  
8 the pandemic. I mean to me I said that in the  
9 beginning that it seemed out of step and it seemed  
10 demoralizing that you had to work such long hours  
11 during COVID.

12 HALEY SATO: Uh-huh.

13 ROBERT HOLDEN: And then couldn't take a  
14 test. And that's what I'll be critical of the  
15 department for that because they put it off. But  
16 they put it off again, they could've done it in '22.  
17 So, what I'm saying is that they owed it to the EMS  
18 workers who were out in the field that got COVID  
19 multiple times maybe. And that some of your  
20 colleagues you said quit, just let the department.

21 HALEY SATO: This past summer.

22 ROBERT HOLDEN: So, can you elaborate on  
23 that like what talent did we lose?

24 HALEY SATO: So, I am also a nursing  
25 student right now. Two of my friends finished their

2 nursing programs and they just said they just can't  
3 wait any longer. They just want to start new  
4 careers. I'm a little bit more positive. I want to  
5 hold to hope and I'm going to take my nursing degree  
6 and do you know both things in life. But I think it  
7 was very unfortunate we weren't able to take that  
8 exam but I'm never going to take that out. Honestly,  
9 we signed up for a job, we're going to do that job.

10 ROBERT HOLDEN: But they had experience,  
11 those people that quit?

12 HALEY SATO: They were incredible assets  
13 to this department. Their experience, they would've  
14 made, they're going to make incredible nurses but  
15 they would also be incredible in a fire company since  
16 we do raise that bar of patient care with that  
17 background and foundation in basic life support.

18 ROBERT HOLDEN: Thank you. Thank you  
19 again so much.

20 GALE BREWER: Council member, I want to  
21 join the Chair in saying that you are a rock star  
22 both here and in person having seen you speak several  
23 times. My question is, the people who left if this  
24 bill is to pass which I hope it does then would they

2 be eligible for the test, is that something that they  
3 could hold out help for or are they not eligible?

4 HALEY SATO: They would be eligible but  
5 given that they resigned from the department I don't,  
6 I don't think they would be any more they are not  
7 active members.

8 GALE BREWER: Okay. All right. And then  
9 I also want to say just so you know in the police  
10 department there was one Japanese police officer. He  
11 is an attorney. So, he's gone to a law firm. We  
12 need you. Thank you.

13 HALEY SATO: I already got y'all.

14 CHAIRPERSON JOANN ARIOLA: I got one more  
15 question from Council Member De La Rosa and I just  
16 would like to note for the record that we've been  
17 joined by Council Member Yeger.

18 CARMEN DE LA ROSA: Well, thank you so  
19 much Chair Ariola. This is more a comment. You  
20 mentioned Washington Heights which is the community  
21 that I represent and I want to thank you for your  
22 service. I also happen to be the labor Chair in here  
23 in the city council and I know how important this is.  
24 I look forward to supporting this bill when it comes  
25 to the floor. Thank you.

2 HALEY SATO: Thank you.

3 CARMEN DE LA ROSA: Thank you for your  
4 service and your advocacy.

5 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
6 you so much. Next, we will hear from Jordan Tymony.

7 JORDAN TYMONY: Thank you. Good morning,  
8 thank you for the council members, the department  
9 members as well as the supporters for being here this  
10 morning and allowing us this opportunity. My name is  
11 Jordan Tymony. I am currently an active FDNY EMT in  
12 the borough of Brooklyn. I am here today in regards  
13 to the FDNY EMS to Firefighter promotional exam to  
14 help support the members that are in jeopardy of  
15 losing out on a future promotional opportunity due to  
16 their current age. In this testimony, you may or may  
17 not hear a slight accent in my voice. If you do,  
18 that is because I am not from New York. I was born  
19 and raised in Wichita, Kansas. Today I would like to  
20 tell my story on how a Midwest kid ended up in the  
21 big city. In 2011, after 18 years I finally moved  
22 away from Wichita to a small college town. My first  
23 year of College at the University of Kansas was a  
24 struggle. I knew I needed to be in school but I had  
25 no idea of what I wanted to study. From 2012 through

1 the next few years, I became a volunteer firefighter  
2 in Douglas County. I obtained all the necessary  
3 firefighter certifications and I finally conquered  
4 the intimidating EMT course that I had long put off.  
5 I graduated in December of 2015 with a degree in  
6 Communication Studies, even though my passion was the  
7 fire service. February of 2017, I was hired by the  
8 Olathe Fire Department in the suburb of Kansas City.  
9 During my early career, a coworker had gotten me in  
10 contact with a FDNY lieutenant in the Bronx. I had a  
11 special connection to him. He is also from Kansas.  
12 He inspired me and he helped point me in the right  
13 direction to applying and getting on the EMS exam  
14 list in New York. In November of 2019, I made the  
15 decision to leave the Olathe Fire Department after  
16 almost three years and return to work in my home town  
17 of Wichita. January 2020, two weeks from graduating  
18 the fire academy, I got the call from FDNY EMS. I  
19 now had a life changing decision to make. I got my  
20 official FDNY offer five days later and I was finally  
21 on the road to New York. I left everything I knew,  
22 my family, my friends, my dog and my career. I was  
23 finally pursuing my dream of becoming a New York City  
24 firefighter. I started the EMS academy in February  
25

2020. All of a sudden, the world changed. Due to the pandemic, everything was put on hold. The only thing that was not put on hold was my age. I moved here when I was 26 years old. I am now 30 years old. Still hoping for an opportunity to become a New York City firefighter. We worked through the toughest times of the pandemic when health and safety was crucial. Our families constantly worried for us every day confronting the uncertainties lying before us. The last promotional opportunity from FDNY EMS to Firefighter was in August of 2016. On a 4 year schedule, the next promotional exam should have been in the Fall of 2020. The only chance I have at that dream now is for an age extension to be placed on the next promotional exam. I believe that age does not define our mental or physical capacity for the duties necessary to perform the job as a firefighter. Not only does our EMS experience enhance fire operations in regards to medical treatment in the field, it also brings diversity to the department. Permission to continue. As of December 2021, between the ages of 29-35, there was 359 female members, 213 black members, 293 Hispanic members, and 59 Asian members, all eligible to become firefighters. This would be a

2 huge potential to increase diversity in the  
3 department. So, I, as well as others that share a  
4 similar story in pursuing the dream of becoming New  
5 York City firefighters, are here today in solidarity  
6 to ask that we are not denied that opportunity in the  
7 unforeseen circumstances of the pandemic. Thank you.

8 CHAIRPERSON JOANN ARIOLA: Thank you so  
9 much for your testimony, for your service. Any  
10 questions from the committee. Thank you so much.

11 Jordan Tymony: Thank you.

12 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
13 you again. Next, we will hear from Regina Wilson.  
14 Followed by Joseph Cavanagh.

15 REGINA WILSON: Good morning. Good  
16 morning. My name is Regina Wilson. I am the current  
17 President of the Vulcan Society. The Vulcan Society  
18 is definitely in favor of this bill. The only  
19 concerns that we have is that we just wanted to make  
20 sure that we are taking a look at the amount of  
21 African Americans that will be on this bill. And as  
22 a female I am also concerned about women on this  
23 bill. But we want to just take a look at and we may  
24 have to reanalyze whether or not the Promotional Exam  
25 is yielding the amount of minorities that we need to

2 fill these gaping holes that we have within the fire  
3 service. As you know currently the fire department  
4 is 76 percent white and we want to just make sure  
5 that these opportunities are granted to all and  
6 sometimes the EMS route is open to a lot of white  
7 counter parts children and their nieces and nephews  
8 more so their counter parts and so we just want to  
9 make sure that if we are moving forward that we are  
10 taking a look at the diversity of the department  
11 which it has lacked for centuries. And I also wanted  
12 to make sure that everyone is mindful of because  
13 Chairperson Ariola had signed off on a bill in  
14 reference to the women's facilities. We are  
15 currently still having problems. There was a survey  
16 that was recently passed and went out with no input  
17 from any female firefighters at all. And we  
18 currently have a female firefighter that got assigned  
19 to one of the fire houses and she now comes in and  
20 places all of her items on a chair because they have  
21 no place -- no locker room or no space for her. A  
22 lot of the female facilities don't have ventilation.  
23 They have to walk through male locker rooms in order  
24 to get to their own bathrooms and this is something  
25 that we've been telling the department for a long



1 time. And my other concern is the fire academy. We  
2 recently had made the academy aware of a lot of  
3 hazing and bullying that have been going on by their  
4 own drill instructors. The one drill instructor made  
5 another probe pick up their spit off of the floor. I  
6 personally watched a drill instructor make a probe  
7 roll on the floor as he laughed at him and made him  
8 do it in slow motion. And so, there are a lot of  
9 mishaps that are happening there and things that are  
10 not properly done by drill instructors or instructors  
11 that will give some of these members here a fair  
12 opportunity because they say that it's a para-  
13 military organization or say that it is part of the  
14 culture and tradition. The fire department allows  
15 you to -- makes you want to conform and want you to  
16 lose yourself in order to be a member when some of us  
17 bring our best selves forward and that's the thing  
18 that helps to make the department to grow. So, I  
19 really want the Council to be aware of some of the  
20 hazing, the bullying tactics that happen that may  
21 prevent some of them from actually graduating for  
22 probation every firefighter school. I have made the  
23 department aware of this and I wanted you guys to  
24 make sure that you know so that you can question some  
25

2 of the things that may prevent some of them from  
3 moving or progressing into the fire service. I know  
4 that we've had issues with that with some of our  
5 black candidates that are coming through and it has  
6 happened as early as the point of them doing the run  
7 when there is still civilians. They are being cursed  
8 at, disrespected, homophobic slurs have been made and  
9 we want to make sure that if anyone that is coming in  
10 that is any of your constituents that they are  
11 getting a fair chance and a fair opportunity to be  
12 able to become a part of New York's bravest.

13 CHAIRPERSON JOANN ARIOLA: We certainly  
14 agree with you on all your points and we have had  
15 conversations with the FDNY they said surveys are  
16 happening and they have until 2024 to make those  
17 accommodations inside the different fire houses. If  
18 that is not moving forward, I will now keep a better  
19 eye on that then we will have an oversight to make  
20 sure that it does happen. And question from Council  
21 Member Holden.

22 ROBERT HOLDEN: Thank you, Ms. Wilson for  
23 your testimony. I witnessed what you're talking  
24 about in the houses. They are not equipped to handle  
25 women fire fighters. They are so behind that it is

1 disgraceful. Because I saw that they had to assign.  
2 What you just mentioned, I witnessed. When you said  
3 they have to walk where the -- there is one woman  
4 fire fighter in the house that I visited. And many  
5 of them have that. And you have to go through the  
6 men's locker room or the men's area sleeping quarters  
7 to get the woman fire fighters little cubie hole  
8 room. It is not equipped. It's obviously -- it's a  
9 man's world up there and they need to change. But I  
10 don't know if they're taking it seriously. Because  
11 the whole fire -- the whole fire house was in my  
12 estimation wasn't kept up. It's a mess. It's dated,  
13 100 year old house like many of them are and they  
14 really need to put toward. We need to put some funds  
15 toward revamping these houses. To the point, and  
16 what you mentioned about the harassment is another  
17 thing, every department, you know certainly, the fire  
18 department needs to address. So, I thank you for  
19 bringing it up. I witnessed it. It's happening.  
20 It's disgusting that they didn't make the necessary  
21 changes in the fire house itself. And so, I think we  
22 need to catch up. So, if we want to make the  
23 department diverse, we first have to build the  
24 infrastructure. We can't use it as an after thought  
25

2 years later. And so, I thank you again for bringing  
3 this up.

4 REGINA WILSON: Yeah. Absolutely. It  
5 was in its own climate survey as you saw in the  
6 climate survey, they said women and African Americans  
7 were treated three times worse in dealing with  
8 discrimination within the fire service. In their own  
9 climate survey conducted by their own members. They  
10 told you that they were being treated unfairly and I  
11 hope that the -- the press coverage that came from it  
12 as well as the information from the department will  
13 help the Council to see that we are really struggling  
14 in the fire service. We are being treated unfairly  
15 and we're not allowed to move progressively the way  
16 that we need to and it causes hardship especially on  
17 African Americans when there is a higher level of  
18 drug abuse, drinking, domestic violence because they  
19 are developing PTSD. You know from dealing with a  
20 lot of hazing that are happening in the fire service.  
21 So, I hope that we would take a look at that and also  
22 Chairperson that you will also see that this bathroom  
23 issue is being neglected. They told us they are not  
24 doing any renovations. They only thing they are  
25 doing is the new stuff that they are working on but

2 there is simplistic stuff that could be done in order  
3 to rectify these situations that could be done today.  
4 So, I would just ask that the Council really take a  
5 look at some of the things that we're going through  
6 because it will affect some of these people here  
7 whether they are black or not. The hazing and the  
8 bullying has to stop.

9 CHAIRPERSON JOANN ARIOLA: I will  
10 absolutely follow up with the fire department. Any  
11 other questions from -- yes. Council Member Yeger.

12 KALMAN YEGER: Thank you, Madam Chair.  
13 The specific incidents that you said you witnessed  
14 and the department knows about it. Were those  
15 written complaints that were filed?

16 REGINA WILSON: No. These were EEO  
17 complaints. One of them I filed myself.

18 KALMAN YEGER: And how long ago was that?

19 REGINA WILSON: It was this year but  
20 unfortunately the fire department does not have a  
21 policy that would even remove people from the  
22 complaint spot. So, for instance the person that did  
23 it at the academy, one is still there. And one it  
24 took five weeks for them to remove it because they

2 said they said they have no policy. So, this was  
3 within the last three months.

4 KALMAN YEGER: Would you be able to  
5 provide the Committee with a copy of those  
6 complaints?

7 REGINA WILSON: I think that the  
8 department has it so.

9 KALMAN YEGER: You filed the complaints?

10 REGINA WILSON: I verbally filed the  
11 complaints.

12 KALMAN YEGER: And you verbally. You  
13 didn't do it in writing?

14 REGINA WILSON: Ut-huh.

15 KALMAN YEGER: Okay. Okay. All right.  
16 Thank you very much.

17 REGINA WILSON: All right.

18 CHAIRPERSON JOANN ARIOLA: Thank you so  
19 much for your testimony.

20 JOSH KINGSLEY, COMMITTEE COUNSEL: Next  
21 we will turn to Joseph Cavanagh. If there is anyone  
22 in present who would like to testify. Please sign up  
23 at the front here. After Mr. Cavanagh we will turn  
24 to folks who are registered on Zoom. Thank you so  
25 much.

1                   JOSEPH CAVANAGH: Thanks. Good morning,  
2  
3 Chairperson Ariola, Chairperson Brewer. I apologize  
4 for my lateness also. My name is Joe Cavanagh and I  
5 retired at the Captain of Engine Company 265 this  
6 past January. I was assigned there in 2013 and I  
7 served alongside not just firemen and fire officers  
8 but also the officers, paramedics and EMTs of station  
9 47. This is a unique arrangement for the FDNY as  
10 there is only one other fire house where EMS and  
11 there is only other fire house where EMS and fire  
12 share a station. That uniqueness gave me the chance  
13 to get to know many of these young people better than  
14 the average fire officer who only sees EMS personnel  
15 on medical runs. I'm also proud to say that my son  
16 Michael was also assigned there and through him and  
17 his friendships with these kids, I've gotten to know  
18 many of them both professionally and personally.  
19 With that said, I've heard first-hand the concerns  
20 they have regarding the department's inaction on an  
21 age extension and the fear that they may not get the  
22 chance to take a promotional exam. The eligibles  
23 group that they organized has met with and received  
24 the support of the Chief of Department, the Chief of  
25 EMS and thankfully members of this committee.

1 They've done their research and are well versed in  
2 previous FDNY exemptions to the current age cutoff of  
3 29 and the age requirements of other uniformed  
4 agencies both legal and nationwide, but still they  
5 have not received the concrete commitment regarding  
6 the age extension for the next promotional exam. And  
7 it is here where I need to stop and commend this  
8 committee for its actions at the previous hearing  
9 with a few simple questions to the Assistant  
10 Commissioner present. The Committee exposed the  
11 bureaucratic inertia that stands between these kids  
12 and their goals. There is no shortage of excuses,  
13 COVID, DCAS, the attrition myths that promoting EMTs  
14 to fire fighters will decimate the EMS ranks. After  
15 the last promotional, I looked into the sky is  
16 falling claims and the most outspoken opponents to  
17 the promotional. They claim 1500 EMTs were lost. I  
18 checked the department orders, the head count of  
19 promotional exam graduates from probie school was  
20 closer to 900 and those same opponents neglect to  
21 mention that the medical skills of these candidates  
22 do not leave the department but be utilized every day  
23 on responses to medical emergencies. Excuses aside,  
24 the department has managed to schedule and hold  
25



1 promotional exams to Lieutenant, to Captain, with no  
2 age restrictions, trained and graduated multiple  
3 classes of EMTs and deviated from civil service rules  
4 to extend the current open competitive list for two  
5 years. This is a time wasting and resource draining  
6 process due to the cost of background checks and the  
7 number of candidates declining outnumbering those  
8 accepted. How could any extension for people, not  
9 part of the FDNY be prioritized over a promotional.  
10 These kids deservedly felt forgotten. When I was  
11 promoted to Lieutenant in 2007, the Chief of Training  
12 came to address my class at the First Line  
13 Supervisors program. Anyone who knew him knew the man  
14 was someone not to be trifled with. His address was  
15 a total of four words. I still hear them today.  
16 I'll never forget them. You put you here. Then he  
17 left. The class still glowing with all the relief  
18 and excitement and a family's pride, a coworkers  
19 congratulations expected another pat on the back,  
20 maybe anatta boy. Then it started to sink in. No  
21 excuses. You took this step to take on the  
22 responsibility and make decisions to ensure the  
23 safety and help advance the careers of your  
24 subordinates. Own it. Do your job. Be a leader.  
25

2 Maybe its time for the answer people to hear those  
3 words too. Thank you.

4 CHAIRPERSON JOANN ARIOLA: Thank you so  
5 much for your testimony. Are there any questions --  
6 Council Member Kagan.

7 ARI KAGAN: This question to raised to  
8 the hearing about age limits. What is in your  
9 opinion should be if any age limit through taking tis  
10 exam.

11 JOSEPH CAVANAGH: Well, as my son let out  
12 of the bag, I was hired in 1993 and I was 32 years  
13 old. I did 29 years. I just completed it this past  
14 January. I don't believe there is any impairment.  
15 As you can see, and as I mentioned with the  
16 Lieutenant and Captain's exam, there's no age cap on  
17 that. There's no age cap on the entrance for EMT.  
18 Why is there is an age cap for anyone that is already  
19 in this agency that just wants to follow a career  
20 path? Makes no sense to me. Never has.

21 ARI KAGAN: Thank you.

22 CHAIRPERSON JOANN ARIOLA: You have a  
23 wonderful son.

24 JOSEPH CAVANAGH: Thank you.

2 JOSH KINGSLEY, COMMITTEE COUNSEL: Great.  
3 Thank you so much for your testimony. Again, if  
4 anyone else present wants to testify, please go see a  
5 Sergeant at Arms. We're going to turn to Zoom  
6 testimony. First, we will hear from Michael Nigro.  
7 I believe you're on Zoom, sir. And then anyone else  
8 who is on Zoom would like to testify please we are  
9 going to turn to you next. So, be ready. I will  
10 meet you in just a second. One second. You may  
11 begin.

12 MICHAEL NIGRO: Thank you. I am  
13 following Captain Cavanagh is going to be a hard act  
14 to follow. Good morning. I would like to thank the  
15 Council for holding this meeting today. My name is  
16 Michael Nigro. I am a retired FDNY Fire Captain with  
17 over 25 years of service. Before my appointment to  
18 the New York City fire department, I worked as an  
19 Emergency Medical Technician in the 911 system for  
20 several voluntary hospitals. My background in both  
21 the fire service and EMS service compels me to  
22 testify before the City Council meeting today. A  
23 short while ago, in June, there was a meeting of the  
24 City Council regarding FDNY's current plans to  
25 administer a promotional exam for FDNY EMS members

2 who wish to attain the rank of Firefighter. It was  
3 noted that the last promotional exam and it's said  
4 several times today was administered in December of  
5 2016, making that over seven years in the past.  
6 Traditional FDNY Open-Competitive and promotional  
7 exams have traditionally been administered in 4- or 5-  
8 year intervals with four being the normal.  
9 Additionally, the then Acting Commissioner Laura  
10 Kavanagh, who is now the Fire Commissioner, extended  
11 the Open Competitive list for an additional two years  
12 not to expire until February of 2025. Again, this  
13 stuff has already been discussed. In all fairness,  
14 if the Open Competitive exam can be extended due to  
15 the impacts of Covid --

16 JOSH KINGSLEY, COMMITTEE COUNSEL: Okay.  
17 we'll turn back. Here he is back. Michael are you  
18 there still?

19 MICHAEL NIGRO: Okay. Can you hear me.

20 ALL: Yes.

21 JOSH KINGSLEY, COMMITTEE COUNSEL: Yes.

22 MICHAEL NIGRO: -- so should the  
23 eligibility for EMS members who are already serving  
24 in the department and awaiting an opportunity to take  
25 the exam for Firefighter are unable to have their

2 list extended. This significant postponement in  
3 administering a promotional examination to  
4 Firefighter will deny many members of FDNY EMS an  
5 opportunity for promotion due to being past the  
6 eligible age. Without re-examining the age of 29 --

7 JOSH KINGSLEY, COMMITTEE COUNSEL: Okay.  
8 We're going to move on. We'll turn back to you if  
9 you're able to join back on. Next, we will hear from  
10 Serena Swiskle (phonetic). Serena, are you there?  
11 Serena, when you join, we'll be happy to hear from  
12 you. Next, we will hear from Tyeisha Pugh. Same  
13 offer there for Tyeisha. Next, we'll hear from  
14 Shabell McCallum (phonetic). Oh, I see Serena has  
15 joined us so. And I see Tyeisha here as well now.  
16 Okay. So, everyone is coming on at once. Okay.  
17 Let's us, so Serena if you could go. Michael, we are  
18 going to turn back to you in just a minute if that's  
19 all right, sir. Okay. Thank you.

20 SERENA SWISKLE: Hello. Hi. Hi all. My  
21 name is Serena Swiskle. I'm a Lieutenant in the fire  
22 department on the fire side. And I have 18 years on  
23 the job. When I first started in 2005 there were  
24 around 30 women fire fighters in the fire department  
25 and that was the lowest percentage making year two

1 the lowest percentage of all major fire departments  
2 in terms of women. Through a lot of hard work from  
3 the advocacy and organizing of the United Women  
4 Firefighters, we are now at 152. Although it seems  
5 like a lot, this is still out of 11,000 people which  
6 mean women don't even account for 1.5 percent when  
7 the national average is four percent and more  
8 progressive cities like Miami, Minneapolis, San  
9 Francisco and Seattle have around 10 to 15 percent  
10 women in their departments. I say all of this  
11 because approximately 30 percent of the active women  
12 firefighters that we do have took the Promotion from  
13 EMS to fire. As such, we cannot lose any potential  
14 women fire fighter candidates from this pool of EMS  
15 workers. In fairness, the age restriction for these  
16 folks should be lifted because the pandemic robbed  
17 many of them of this opportunity. FDNY has the  
18 lowest age cap out of all the major fire departments  
19 in the country. Most departments do not have an age  
20 limit and when they do the average is around 35 years  
21 old. I believe this is one of the many reasons why  
22 we have a lower percentage of women fire fighters  
23 compared to other cities. Fire department is beyond  
24 behind on this issue and for this reason we need to  
25

1 count on every woman fire fighter candidate that we  
2 reach. I just want to make a couple of other points  
3 that weren't made previously, was that there was an  
4 age cap lifting of the age cap in 2012s exam for the  
5 people who took the prior exam in 2006 because of the  
6 hiring freeze that Bloomberg made. So, when we  
7 started hiring again in 2013, we had a lot of not  
8 traditionally aged fire fighters who were hired from  
9 that pool as well the priority hires that were hired  
10 during that time. So, in fact for that list we have  
11 a whole generation of firefighters who are serving  
12 right now who are not traditionally aged. And I do  
13 want to reiterate what Wilson said about the women  
14 bathroom issues, about the surveys, is that it's  
15 really important that we have input into what the  
16 surveys look like and what they're looking for when  
17 they're doing the surveys because we're the ones  
18 affected by it. And, if we have outside entities  
19 just doing a once over at these fire houses, they  
20 might not understand like what our needs are and what  
21 we have to do. I think you know; it was discussed  
22 already about you know walking through the open  
23 locker rooms and things like that. But there are  
24 other things that might not be caught if the person  
25

2 working in that fire house isn't like able to  
3 communicate what the needs are. Thank you.

4 CHAIRPERSON JOANN ARIOLA: Thank you so  
5 much for your testimony. Any questions from this  
6 panel? Thank you and thank you for your service.

7 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
8 you so much Serena. We'll try to turn back to  
9 Michael if you're able to get the bandwidth followed  
10 by Tyeisha Pugh. So, Michael if you're able to kind  
11 of finish up your statement and then we'll move on  
12 from there. Thank you. Okay. Tyeisha we'll go to  
13 you next. Go ahead.

14 TYEISHA PUGH: Hi. My name is Tyeisha  
15 Pugh. I am currently the President of the United  
16 Women Firefighters Association. I'm also on the  
17 Board of the Vulcan Society. United Women  
18 Firefighters is. We are all firefighters and one of  
19 our goals is to bring in more women. And, currently  
20 we are less than 2%. And I definitely think we get  
21 help from the EMS promotional when it comes to  
22 recruiting women and people in color. So, I am in  
23 favor of waving the age for the promotional. I feel  
24 like it's only right that EMS professionals, some of  
25 them have a goal to take the promotional exam. And,



1  
2 it's not fair that they lose that opportunity due to  
3 an uncontrollable circumstance, such as the pandemic.  
4 Also, they are already employees of the fire  
5 department. I think we need to make sure that they  
6 have a fair opportunity to promote. Also, just to  
7 give a bit of my background. I took exam 619 back in  
8 2007. I was very close to the cut off age when I  
9 filed so due to discriminatory things that were found  
10 in that exam towards minorities exam, wasn't able to  
11 use the it anymore. So, I was never called from that  
12 list. I was ineligible to take the next exam. But  
13 thankfully the age was waived for that next exam and  
14 I was able to get on. So, I am here. I am now one  
15 of New York City's Bravest. So, I will also comment  
16 on the women bathroom survey. And the women not  
17 having input. That I would have liked. I thought it  
18 was odd because we did ask that they consult the  
19 women for the survey but they only consulted some  
20 women while the women were at work. Like, if they  
21 were doing the survey and women was there, they  
22 consulted them. So, many women didn't have a chance  
23 to be consulted. They asked me as the United Women  
24 Firefighter President, but I don't know what every  
25 fire house looks like and not every female is a part

2 of United Women Firefighters, so I can't reach  
3 everyone and every woman still needs the proper  
4 facilities whether they're a member or not. So, also  
5 my goal is to get more women on and Regina mentioned  
6 that there is a house -- we do have a house that  
7 don't have enough space for the women in it. They  
8 have a plan in effect right now for it but it's like  
9 a last minute. So, wait until the last minute to set  
10 up particularly is what we have. It is really sad  
11 but that's it. That's all I have to say.

12 CHAIRPERSON JOANN ARIOLA: Thank you for  
13 your testimony. Any questions from the Committee?  
14 Thank you for your service and sharing your journey.  
15 Thank you.

16 JOSH KINGSLEY, COMMITTEE COUNSEL: Thank  
17 you, Chair. Next, we'll hear from Shabell McCallum.  
18 Shabell, are you available? Michael, we will go back  
19 to you now. Third times a charm, fourth time. Let's  
20 see. Okay. He's. I don't know. Okay. I see. He  
21 doesn't have audio though I guess is what we're being  
22 told. So, I think everyone unless Michael speaks up  
23 now, I see his face. No.

24 SHABELL MCCALLUM: Can you hear me?

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2 JOSH KINGSLEY, COMMITTEE COUNSEL: Oh, we  
3 got Shabell. You can go. We can hear you.

4 SHABELL MCCALLUM: Hello?

5 JOSH KINGSLEY, COMMITTEE COUNSEL: Yes.  
6 Yes. Yes. Yes. Go ahead.

7 SHABELL MCCALLUM: It's like in and out  
8 because my background is a little noisy.

9 JOSH KINGSLEY, COMMITTEE COUNSEL:  
10 Shabell, we can hear you. You just need to speak a  
11 head. I'm asking you to unmute so if you unmute  
12 yourself, you should be able to go now. Okay. Sorry  
13 about that. I guess we're having some issues here.  
14 Now, Shabell is you're there. Okay. Sorry everyone.  
15 I think we're having some trouble getting this lined  
16 up here so. So, if anyone else wants to speak they  
17 could submit written testimony and we'll absolutely  
18 review it on the Committee as well. So, the, the  
19 email address for that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).  
20 So, I think that, we're going to wrap it up here.  
21 I'll take it back to the Chair. Thank you.

22 CHAIRPERSON JOANN ARIOLA: Thank you so  
23 much. Today has been a hearing that has been a long  
24 time coming but I'd like to thank my wonderful  
25 colleague Gale Brewer for championing this issue and

2 it is near and dear to her heart and to the hearts of  
3 everyone here on this panel. I would also like to  
4 thank the speaker's office for fast tracking this and  
5 the administration for their support on this issue.  
6 All of those who are on the bill, Council Members  
7 Holden, Carr and Yeger. Thank you for your support  
8 and anyone else who would like to sign on. Please  
9 do. As we wrap up, I would like to thank Josh  
10 Kingsley, Will Hongesh (phonetic). My Chief of Staff  
11 Joseph Sorello (phonetic) but most of all each and  
12 every one of you who came here to testify, not just  
13 today but at our last hearing which is what made this  
14 day happen. And as the Council Member said, we are  
15 more than cautiously optimistic that this bill will  
16 pass at our next stated meeting. So again, thank  
17 you, stay safe and we appreciate you coming in.

18 (Gavel pounding).  
19  
20  
21  
22  
23  
24  
25

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 October 15, 2023