



June 5, 2023

Testimony of Deputy Commissioner Barbara Dannenberg, FDNY
“Oversight: EMS Career Paths and FDNY Promotional Opportunities”

Good morning Chair Ariola and all councilmembers present. My name is Barbara Dannenberg and I am the Deputy Commissioner for Human Capital at the New York City Fire Department. I am joined by Chief Paul Miano, Assistant Chief of EMS as well as Battalion Chief Thomas Tanzosh and Battalion Chief Joe Cavaretta, both of the Office of Uniform Personnel. Thank you for the opportunity to speak with you today about EMS Career Paths and Promotional Opportunities at the Fire Department.

As our members will tell you, the Fire Department is an exciting place to work. Each year, hundreds of individuals of varied backgrounds and experiences join a team of public servants and commit themselves to protecting the people of New York. Many join the FDNY by entering the ranks of firefighters or emergency medical technicians (EMTs). However, there are a variety of ways to enter the Department and numerous paths to advance one’s career. I’ll discuss some of those options today.

Members of the committee are probably already familiar with some of the options available to firefighters. One path of advancement after gaining experience is to study for and take a civil service exam to be placed on a list to be promoted to the rank of Lieutenant. Subsequent opportunities include the ability to be promoted to the rank of Captain, Battalion Chief, and

Deputy Chief. A member may also take a promotional exam to obtain the rank of Fire Marshal, which then affords the member the opportunity to be promoted to Supervising Fire Marshal.

Firefighters may qualify for other paths for advancement and promotion as well, depending on a member's interests and skills. After obtaining some experience, a firefighter may pursue the Special Operations route, joining a Hazardous Materials Operations unit, a Squad Company, or a Rescue Company. Similarly, a member may join specialized units such as Marine Operations, or the Robotics unit. Other pathways create opportunities for members to serve beyond their everyday roles, such as training on Federal Emergency Management Agency requirements and becoming qualified to be dispatched as part of Urban Search and Rescue teams.

EMS members also advance in their careers in a variety of ways. They also have civil service paths to promotion, including to the ranks of Sergeant, Lieutenant and Paramedic. EMS members may also advance their careers through non-civil service paths. Examples of that include obtaining New York State certifications and applying to become a Certified Lab Instructor, which a member may do via completing a written exam and demonstrating skills such as trauma assessment and bleeding control, or a Certified Instructor Coordinator, which may be done after auditing lectures and passing a state exam. Another career path available to EMS members is to become an Alarm Receiving Dispatcher, or ARD. This is obtained by completing training including a 12-week course.

I also want to draw your attention to programs that the Fire Department has created to provide exposure and employment opportunities for younger New Yorkers. Students at the FDNY

Captain Vernon A. Richard High School for Fire and Life Safety enroll in FDNY elective classes including EMS 101 and FDNY Prep. Firefighters, EMTs, and Paramedics serve as instructors, providing academic and hands-on education, giving students a firsthand view into the benefits of a career at the FDNY. The Department also operates the EMS Youth Academy, which provides didactic and practical skills training, and many who complete the course go on to become NYS Certified EMTs, joining the Department as EMTs and firefighters. We also operate the FDNY Leadership Academy, which is an elite, discipline-driven program to help enrollees discover their potential and develop leadership skills that last a lifetime.

The Department operates a Fire and EMS Exploring Program, which takes place at eight locations throughout the five boroughs. FDNY Explorers between the age of 14 and 20 receive fitness training, citizenship training, and character-building instruction, and they are exposed to both the Fire Academy at Randall's Island and the EMS Academy at Fort Totten. Members gain insight into FDNY careers, make contacts to broaden FDNY employment opportunities, and develop a roadmap to potential careers within the FDNY.

In addition to these broad areas of potential career paths and promotional opportunities, I would like to address a topic that I know is of great interest to the Council. The COVID-19 pandemic foreclosed the Department's ability to develop and graduate classes from the existing firefighter civil service list. This, in turn, disrupted the firefighter exam cycle, delaying the next Open-Competitive firefighter exam as well as the next Promotional Exam, which is a test that enables members of EMS to be placed on a civil service list to become firefighters. Unfortunately, this delay has created an issue for some members of EMS who are planning to take the exam but, due

to the delay, are at risk of becoming ineligible due to their age. Under 15-103 of the Administrative Code, to be qualified to become a firefighter, an individual must not have reached his or her 29th birthday on the date of the filing for the exam.

Some members of EMS who may be affected have expressed disappointment and have asked for ways to stay eligible despite “aging out” as a result of the delay. The Department understands this position, and we are interested in finding a solution that is fair to these members. We have also heard from concerned councilmembers, including Chair Ariola, who has advocated for resolving this issue in a way that would enable EMS members who were cut off due to this delay to be able to take the next exam and qualify to be placed on the resulting list. These are valid concerns, and the Department is interested in working with the Council to develop a potential legislative solution that is equitable and would create a path for the members who age out due to this delay. We know that there are potential legal and civil service issues that could present challenges for any such solution. Those issues will have to be resolved to the satisfaction of all interested parties, including the Law Department and the Department of Citywide Administrative Services – which administers the exam - but we would like to work with the Council to explore potential solutions.

Thank you. I would be happy to take your questions at this time.



Daniel A. Nigro
Fire Commissioner

Medal Day is when we celebrate the most extraordinary acts of bravery by FDNY members. The incidents immortalized in these pages every year are the greatest examples of why our Department is revered around the world. The actions taken to save lives represent the greatest traits of our Department: teamwork, ingenuity, training, service and courage. While the last year was one most would like to forget, the heroic acts that took place must be remembered. They represent hope, and they demonstrate the Department's unwavering commitment to serve and save others, no matter the dangers faced by our members.

It can be said that every single response in 2020 was an extraordinary act of bravery, as our members operated in a pandemic the likes of which had not been seen in a century. Every call meant our firefighters, paramedics and EMTs responded to a situation that could have meant exposure to or infection from COVID-19. While this fact weighed heavily on every member of our Department, and without question on their loved ones as well, it did not deter them from their lifesaving mission.

Our highest award for bravery to a firefighter, the Chief of Department Peter J. Ganci, Jr. Medal, is awarded to Firefighter Abraham Miller of Ladder Company 23 for his incredible rescue of a child trapped by fire in September. In careful coordination with Firefighter Jairo Sosa of Ladder Company 34, who is awarded the John H. Prentice Medal, Firefighter Miller descended from the roof of a six-story building and pulled a child from the growing smoke and flames. This is one of two roof rope rescues for which members are honored this year. Firefighter Brian Quinn of Ladder Company 30 is awarded the Walter Scott Medal for rescuing a trapped occupant in a similar fashion from another fire in September, and he and his fellow members in Ladder Company 30 also receive the World Trade Center Memorial Medal for their heroic efforts.

The highest award given annually for members of EMS Operations is the Christopher J. Prescott Medal, awarded this year to Emergency Medical Technicians Gary Hui of the Medical Equipment Unit and Samuel Wright of Station 59 for their daring rescue of a driver trapped inside a dump truck that crashed into multiple vehicles and a utility pole. Together, they removed the occupant seconds before flames engulfed the vehicle, then began medical care and transported him to the hospital. Truly, 2020 threw every challenge possible at our EMTs and paramedics, and like EMTs Wright and Hui, they rose to meet those challenges head on.

Despite the pandemic that ravaged our City, and the fact that so many were locked down at home to stay safe, the dangers our members faced never stopped. There were still thousands of calls each day, lives to save and millions of New Yorkers relying on the expert response of our Department. They called the FDNY, and our members responded quickly—bringing with them elite training, unmatched dedication and a commitment to act to save others despite the unseen dangers around them.

To all our members, thank you for all you did this year, and every year, to proudly represent our Department. And to those recognized for acts of valor on this Medal Day, congratulations on your well-deserved awards.



Thomas J. Richardson
Acting Chief of Department

Each Medal Day, the Department recognizes heroes among heroes, members who were faced with opportunities to save lives. This 2021 Medal Day is no different. Their training prepared them, and their warrior mindsets enabled them to act. This is our mission, and we should all be proud of the members being recognized today. Although they performed individual acts, we know the importance of the teamwork necessary to be successful.

The Dr. Harry M. Archer Medal is awarded every three years to one of the members who received our highest honor for fire operations during the preceding three years. This year, we award the Archer Medal to Lieutenant Michael (Mickey) Conboy of Rescue Company 3, who rescued a man and a young boy from a Bronx fire in December 2017. Lieutenant Conboy performed those rescues with determination, under punishing conditions, on the floor above a serious fire in a wood-frame private dwelling.

We also award the EMT-P Carlos Lillo-Lt. Ricardo Quinn Medal every three years to deserving members from EMS Operations who were recipients of the Christopher J. Prescott Medal. We proudly award this medal to EMS Lieutenant Joshua S. Rodriguez of EMS Division 2 and Paramedic Niall C. O'Shaughnessy of EMS Station 4 for their bravery while providing pre-hospital care to four injured construction workers at a Manhattan scaffold collapse in November 2019.

In September 2017, Engine Company 302 received the Lieutenant James Curran/New York Firefighters Burn Center Foundation Medal for displaying outstanding teamwork while extinguishing three floors of fire in a South Queens private dwelling fire that required multiple rescues by members of Ladder Company 155. They operated until complete exhaustion and in the greatest tradition of the FDNY. Engine Company operations are key to the success of every fire operation, particularly one in which lives hang in the balance. For their extraordinary display of teamwork, Engine Company 302 is being awarded the Lieutenant James Curran/NYFFs Burn Center Foundation/Father Julian Deeken Memorial Medal, which signifies the most deserving unit medal during the previous three years. We congratulate Lieutenant (now Captain) Gregory S. Damato, FF Christopher M. Armstrong, FF Christopher Cavalcante, FF James R. Terry (Ladder 158) and FF Kerron V. Ware.

It is important to recognize that although we are celebrating these members today, we are proud of all of you for your unwavering heroism during the last year. We experienced a global pandemic; you rose to the challenge and continued to respond to fires, medical emergencies and other calls for help, putting yourselves in harm's way and saving many lives as a result. Our job is a calling to something greater than ourselves. We have a moral imperative to perform our duty. You have done the job with humility, perseverance and—most importantly—with selflessness. On behalf of the entire Executive Staff, THANK YOU!

Thomas J. Richardson

FIRST DEPUTY COMMISSIONER



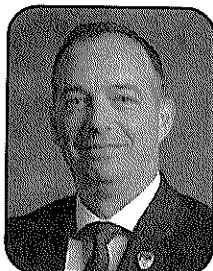
LAURA KAVANAGH

CHIEF OF STAFF



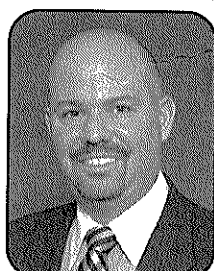
ELIZABETH CASCIO

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JONPAUL AUGIER

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JOHN A. BENANTI

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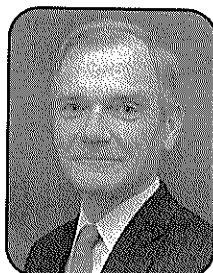
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Monsignor John Delendick
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Father Joseph Hoffman
Reverend Ann Kansfield

Father Christopher Keenan, OFM
Rabbi Joseph Potasnik

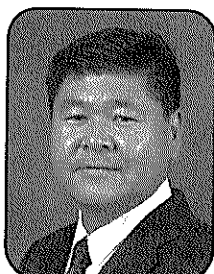
Reverend V. Simpson Turner, Jr.



DR. DAVID J. PREZANT

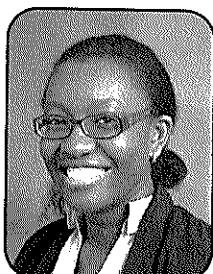
Chief Medical Officer,
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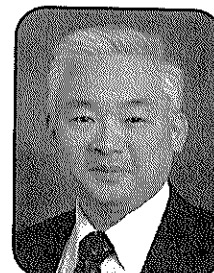
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Chief of Uniformed
Personnel*



Michael F. Gala, Jr.
*Deputy Assistant Chief
Fire Operations*



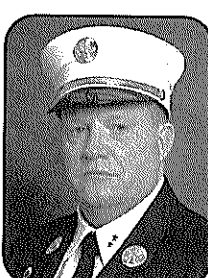
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James J. Donlevy
Division 6



Deputy Chief
John A. Jonas
Division 7



Division Chief
Joseph J. Pataky
EMS Division 2



Division Chief
Stephen Russo
EMS Division 7



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Division Chief
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EMS Division 5



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James R. McNally
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Dinorah A. Claudio
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Division Chief
Robert Hannafey
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Division 13



Deputy Chief
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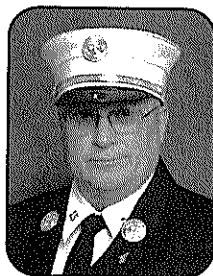


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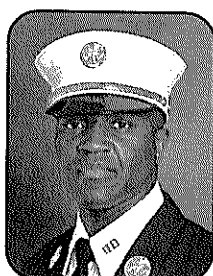


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Christopher J. Bilz
EMS Division 9

SPECIAL OPERATIONS COMMAND



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Stephen G. Moro
Division 15



Deputy Chief
Malcolm Moore
Chief of Rescue Operations



Deputy Chief
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March 16, 2023

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**Re: FDNY Firefighter Recruitment Campaign Blueprint
U.S., et al. v. City of New York, 07-cv-2067 (NGG) (RLM)**

Dear Regina:

As you know, the FDNY is currently preparing a “Blueprint” for the next firefighter recruitment campaign that is scheduled to begin imminently. This campaign takes place at a critical point in FDNY history: unprecedented overtime rates coupled with a disproportionate percentage of the ranks eligible for retirement¹ in coming months has created a unique opportunity to diversify the Department. Recruiting and supporting applicants to create a reachable list² that reflects the demographics of the City is more important than ever in this

¹ This is due in part to the confluence of 9/11 hiring pressures which I believe resulted in the City exhausting the Exam 7029 hiring list. That test was given in 1999, and the Priority Hires who were appointed from that list have a retirement date of February 2023 meaning many of the Exam 7029 hires have reached or will soon reach retirement eligibility. Exam 2043 was given in 2002, and Priority Hires who took that test will reach their 20 years of service in 2026 – during the life of the next hiring list.

² Of the 46,317 test takers who took Exam 7001, the most recent FDNY Open Competitive test to become a firefighter, only 7,162 of them scored high enough on the test to have a “reachable” list number. Most of the candidates who took and passed the test will never hear back from the FDNY. While 11,404 of the candidates who took Exam 7001 were Black, only 1,264 of those test takers scored high enough to be reached. To diversify the FDNY the City must encourage people to apply, sit for the test, and take steps to pass it with a reachable score. See Attachment 7, Table 1.

Levy Ratner

Regina Wilson
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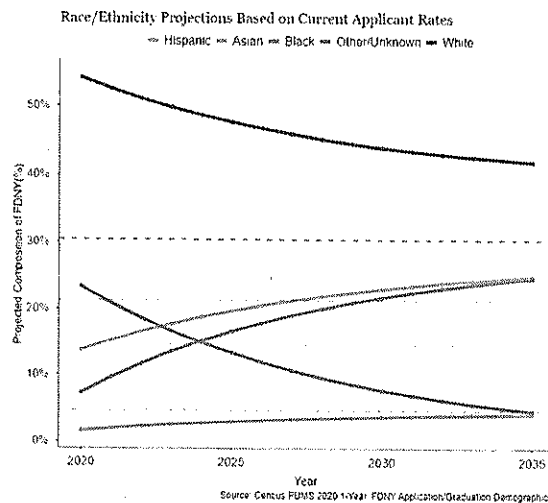
critical moment.³ Unfortunately, as we discuss below, the FDNY does not appear prepared to seize this moment. If this opportunity is squandered, the goals of the Vulcan Society and the diversity of the FDNY will be impacted for years to come. I write to you now because we fear the City is poised to miss a generational opportunity for change. We are concerned that the City's desire to fill its ranks quickly will lead it to seek permission to move forward with the recruitment campaign before it is prepared to adequately recruit and retain qualified applicants of color. It is because the stakes are so high that we write to share the below concerns.

Background:

The City has long been aware of its obligation to plan for this next firefighter recruitment campaign. The City's obligation to complete a recruitment Blueprint is well established and was addressed in numerous Monitor Status Reports to the Court. Most recently, the Monitor's November 2022 Status Report to the Court outlined the Monitor's significant concerns with the City's efforts and stated:

“[t]he City will not be allowed to proceed with the advertising and digital outreach campaign or finalize and embark on a full schedule of recruitment events

³ As the City Council's analysis makes clear, at current rates the FDNY will remain disproportionately white for the foreseeable future absent a change in hiring practices.



Source: <https://council.nyc.gov/data/data-team/evaluating-diversity-at-the-fdny/> last visited February 14, 2023.

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for the next campaign without a proper plan that takes account of findings from after action analyses and feedback from the Monitor and the other Parties. The Monitor and all Parties have agreed that the City's strategies for the next recruitment campaign must be based on findings from analyses of the prior campaign, and the City has acknowledged that they are a critical prerequisite for that campaign and that the Monitor and Parties will have opportunities to provide input as the City develops the campaign plan." (Dkt 2139 at 67)

Shortly after this report was filed, in December 2022, the City produced a first draft of the Blueprint. (See Attachment 3 for December 9, 2022 draft of the Blueprint). In mid-January 2022, all Parties submitted questions and comments to the City regarding the December Draft. (See Attachments, 4, 5, and 6 for the Monitor, Plaintiffs-Intervenors, and United States' questions and comments). On January 18, 2023, we held a special purpose meeting with all Parties to discuss the City's plans, and the City promised to revise and update the Blueprint to address concerns and reflect the discussion. On February 10, 2023, we received an updated draft⁴. (See Attachment 2).

What we received is not adequate, and it raises serious questions about the Department's commitment to and capacity for recruiting a reachable list that reflects the demographics of the City of New York. We outline some of our specific concerns below.

Concern 1: The December Blueprint proposed a significantly smaller campaign than the Exam 7001 effort without explaining how it would nonetheless achieve better outcomes. The February Draft shrinks that proposal by a further 29% without explanation or discussion.

A significant difference between the December and February Drafts is the deletion of 5 months of the campaign and 5 months of EOI collection from the Recruitment Campaign Timeline on page 4 and from the EOI Projections tables on page 6.⁵ The only difference

⁴ This updated Blueprint was supplemented with timeline information from Symphony Talent on March 3, 2023. See Attachment 1.

⁵ I believe that this change was made in response to concerns raised by PI's among others regarding the City's apparent plan to begin the recruitment campaign prior to the approval of the Blueprint which the Monitor addressed in his November 2022 Status Report to the Court: "The City's plan to begin soliciting EOIs in January 2023, before all analyses have been completed, is concerning. Taking even what the City considers to be preliminary recruitment steps – if these are not informed by data from the last campaign – could lead to a test-taking pool of candidates in which reachable Black and Hispanic candidates are as underrepresented as they were after the last campaign." (Dkt. 213)

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between the two tables is the removal of 5 months of recruitment activity – the projections for the remaining months are otherwise identical. The Department does not propose achieving the same results by doing more in less time, it proposes achieving the same results outlined in the December plan by doing 29% less with no explanation. At the Monitor and Parties' request, the City promised to adjust its plan so that the campaign would begin after the Blueprint was complete since, as the City agreed it cannot start its recruitment campaign before the Blueprint has been approved by the Monitor. The City "solved" that problem by deleting all activities prior to June 2023 but otherwise keeping the plan as drafted. It is difficult to imagine a clearer way for the City to tell us all they simply do not care about this work than to proceed in this fashion. Why would 29% more events/EOI's have been necessary to success in December but no longer required in February other than convenience?

Critically, the December Draft already reflected a significantly reduced recruitment goal from the Exam 7001 campaign that took place in 2016/2017.

The Monitor commented on the December Draft: "The City projects holding about 75% fewer events this campaign than it did for the last campaign. (The last campaign included 6,280 events. The City's projections for the next campaign envisions 1,545 events.) The Monitor would like to understand the reasoning behind the City's decision to reduce the number of events compared to the last campaign." (Attachment 4 at 3, Question 8 bullet 1)⁶

The then City shrank its already scaled-back ambitions by a further 29%. The February 2023 Blueprint Draft includes a total of 1090 events. This represents 82% fewer events than the City held during the Exam 7001 Recruitment Campaign, when it held 6280. The Monitor and Parties must understand why the City expects so many fewer events to produce the desired outcome: a reachable list that reflects the City's diversity.

⁶ **City Response to Monitor:** "We remind the Monitor that the last campaign's Blueprint – which primarily only included target numbers for EOIs, filers, etc. – was approved by the Monitor, and that after the last campaign, we understood the Monitor and parties to conclude that there had been too much of an emphasis on generating a large number of filers. We do not believe the Monitor or parties want to see 70,000 filers, and for the upcoming campaign, we would like to focus on generating reachable targeted candidates, as opposed to a large number of candidates. The data does not suggest that there is a necessity to have as many events as we had last campaign in order to generate reachable candidates. As explained further in a comment below, we anticipate using our resources to bolster further our effective engagement efforts." (Attachment 4 at 3, Question 8 bullet 1 comment response).

You can see for yourself the number of events the City held and the number of expressions of interests (EOI's) the City collected during the Exam 7001 campaign in the table below, which is taken from the City's September 2019 After Action Report. (See Attachment 7, Table 41)

Table 41: Event Productivity by Event Category during 1/1/2016 – 6/9/2017

Event Category	Events (n)	Recruiters (n)	Unique age-eligible EOIs (n)	Avg. EOI per event	Filers (n)	Test Takers (n)	Reachable (n)	Conv. rate: EOI to Filer (%)	Conv. rate: EOI to Test Taker (%)	Conv. Rate: Test Taker to Reachable (%)
Subway	1,770	4,461	33,778	19	4,978	3,037	373	15%	9%	12%
Street Team	908	2,452	27,539	30	5,228	3,130	462	19%	11%	15%
Mall/Store	573	1,347	9,257	16	1,635	1,067	146	18%	12%	14%
High School	443	903	8,133	18	940	445	41	12%	5%	9%
Recreational	420	917	4,849	12	681	439	55	14%	9%	13%
College	225	508	4,211	19	1,297	734	98	31%	17%	13%
Fitness / Health	308	573	3,472	11	527	354	49	15%	10%	14%
Others	247	486	3,114	13	525	275	42	17%	9%	15%
DMV / DOL	200	442	2,985	15	489	290	36	16%	10%	12%
Filing Site	399	651	1,666	4	1,168	337	30	70%	20%	9%
Veteran	96	236	1,519	16	380	260	66	25%	17%	25%
Career / Job Fair	124	243	1,453	12	189	108	9	13%	7%	8%
Community Events	127	307	1,337	11	280	182	28	21%	14%	15%
FDNY HQ	197	584	1,020	5	471	341	55	46%	33%	16%
EMS	40	98	578	14	130	84	22	22%	15%	26%
Mobile Academy	44	69	516	12	181	137	18	35%	27%	13%
Total	6,280	14,602	108,759	17	19,479	11,386	1,548	18%	10%	14%

(See Attachment 7, September 26, 2019 After Action Report at Table 41).

The Vulcan Society should have confidence that the Blueprint lays out a plan that, if achieved, is likely to succeed. We do not think the current Blueprint meets that requirement.

Concern 2: The City proposes to significantly reduce its use of subway stations for recruitment.

The City's February Blueprint reads, "During the last Firefighter campaign, NYC subways, Malls, Colleges and Street Team events saw the highest conversion rates from interest

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to reachable test takers.” (Blueprint at page 4) However, notwithstanding this observation, the City’s proposal significantly reduces its reliance upon subway events without discussion of why it is doing so. During the Exam 7001 recruitment campaign, 28% of all recruitment events were “subway” events (see table above: 1770 events out of 6280). For the next campaign, the City’s February Draft calls for subway events to play a much less significant role, accounting for just 10% of all events (110 out of a total of 1090 events). That is an enormous decrease in the number of subway events – from 1770 to just 110.

Thus, the February Draft removes 5 months of events and disproportionately reduces the number of subway events the City will hold. Between the December and February drafts, the number events are reduced overall by 29%, while subway events are cut by 46% -- the single biggest cut in any outreach category between the two drafts. The logic for this decision is unclear. This is particularly troubling because during the Exam 7001 recruitment campaign, subway events produced 28% of Black reachable EOIs (114 of the 395 Black EOI’s that were reachable). (See Slide 34 of Monitor analysis Attachment 8) Only street teams produced more reachable candidates than subway events – but no recruitment activity produced more *Black reachable* candidates than subway events. While 114 of the 373 reachable EOI’s collected at subway events were Black, only 63 of the 462 reachable candidates collected by street teams were Black. (See Table 41 of Attachment 7 (above) and Slide 34 of Attachment 8).

As you recall, the Vulcan Society has been interested in how the City might better focus its subway-recruitment work to improve upon the results of the prior campaign. (See Attachment 5 Questions IV.3) The City fails to address how slashing subway recruitment is expected to impact the recruitment of Black candidates.

Concern 3: The conversion rate applied by the City to calculate expected EOI totals is not based on past experience nor is the basis for expecting significantly improved results explained.

Both drafts of the Blueprint appear to uniformly apply a 30 EOI per event projection to almost all events. The basis for this magical thinking is unclear. The February Draft reads, “In the 2016-2017 campaign, the average number of EOIs collected at events with the highest conversion rates for reachable test takers was 20 EOIs. The average for Street Teams was 30 EOI’s.” (Blueprint at 6). We compare the number of EOI’s collected per event in Exam 7001 with the projections in the Blueprint in the table below.

Event Type	Projected EOI’s per event in February Blueprint	Actual 7001 EOI’s per event (see Attachment 6 Table 41) PI calculation
Street Teams	30	30
Veteran	30	16

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EMS	56	14
Women (PI calculation)	30	21
DMV and DOL	30	15
Filing Sites	N/A	4
Mobile Academy	30	12
Career Job/Fairs	30	12
College	30	19
Fitness /Health	30	11
Subway	30	19
Community	30	11
Mail/Store	30	16
high school	N/A	18
Recreational	N/A	12
Other	N/A	13
FDNY HQ	N/A	5
TOTAL	30	17

How the City will almost triple its performance rates at many of these recruitment events is unclear. Will additional recruiters attend? Does ORR plan to deploy more productive recruitment tactics? Will the City select different, better, career fairs or Fitness/Health locations to attend? Will the City utilize the street team model (of roaming recruiters) at all events? None of these questions are addressed in either draft of the Blueprint. The City simply asserts that it will achieve something it never has before, without saying how. There is no reason to believe this is correct, and the consequence of failure is a less diverse FDNY for years to come.

Concern 4: The City's stated EOI goal mirrors its Exam 7001 results, which had an adverse impact on Black applicants.

The February Blueprint includes a stated EOI goal that is precisely the same as the Exam 7001 "percentage of total" – including the goal of recruiting 8% White candidates. (Blueprint page 7). The problem is that the results from Exam 7001's recruitment campaign had statistically significant adverse impact against Black applicants. We now know that conversion rates differ by race. Overall, 12% of Exam 7001 Black EOI's converted to filers compared to 45% of Whites, overall 56% of Blacks converted from filers to test takers while 71% of Whites did. Finally, 11% of Black test takers converted to reachables compared to 18% of Whites. Given this understanding, the City's failure to alter its recruitment goals to ensure better results is concerning. The City fails to say how this replication of Exam 7001 outcomes is expected to produce improved results.

Concern 5: The City proposes a shorter campaign despite suggestion that time for candidate communications is important.

The Exam 7001 Campaign began in January 2016, and it ended 18 months later.⁷ The February proposal is for a recruitment campaign that is less than a year long: recruitment begins June 2023, filing period begins in late March and concludes on May 24th if it is extended. Plaintiffs-Intervenors asked the City for the reasoning behind the abbreviated schedule. We did not receive an explanation. (See Attachment 5, pg 2, question 1. (“In the 2016/2017 campaign, ORR was allowed to count “pre-campaign” event months which began approximately one year prior to the launch of our online advertising and JoinFDNY website”) Indeed, the City’s response to our next question suggests that more time to communicate with candidates, not less, is preferable (“Most of the Black applicants recruited to apply during the filing period, although they were close to 50% of the Black applicant pool, did not take the exam. We didn’t have enough time to nurture and engage those relationships prior to the filing and test taking period.”)

It is possible a shorter campaign makes sense, but the City has provided no rationale for such a dramatic change to the recruitment calendar, nor has it explained how this abbreviated campaign will ensure it has “enough time to nurture and engage” Black candidates to ensure they take the test and become reachable.

Concern 6: Does not meet identified challenge with a strategy for success.

The City observed that “Most of the Black applicants recruited to apply during the filing period, although they were close to 50% of the Black applicant pool, did not take the exam. We didn’t have enough time to nurture and engage those relationships prior to the filing and test taking period.” (Attachment 5, pg 2, question 1). This observation is important for improving outcomes for Black applicants since it impacts 50% of the Black applicant pool. The City’s approach to this challenge does not suggest better outcomes will be achieved for these candidates. Even though the City has cancelled filing site events, the February Draft includes 180 events to be held during the filing period. Those events are expected to produce 5850 EOI’s or 18% of the 33,150 total EOI’s the City intends to capture over the entire campaign if the City’s demographic goal for these EOI’s is met 2,457, or 42%, of these EOIs will be Black.

What is the City’s expectation for these EOI’s? How will it address the problem it identified of not having “enough time to nurture and engage those relationships prior to the filing and test taking period”? The lack of any plan with respect to these candidates must be remedied. Further, the City’s decision not to attempt a different strategy with respect to the Black candidates engaged for the first time during the filing period is unexplained and difficult to understand given Exam 7001 outcomes for similarly situated candidates.

⁷ For Exam 7001, the application period began April 5, 2017 and ended, after two extensions, on June 9, 2017. (See Attachment 7, Tables 11 and 41).

Concern 7: Reliance on extension of application period

The City's plan anticipates an extended application period as part of the campaign. While we agree the City's plan must allow for the possibility of an extension, the Blueprint should instead propose a strategy by which extensions are not required: it should address the challenge of getting Black candidates to sign up during the initial period. A persistent challenge is the sheer volume of candidates who apply for the test. While the City does not control interest in the exam, it would have had fewer applicants if the application window was not extended. That window was extended twice for Exam 7001 to allow ORR to complete additional outreach to EOIs in order to convert interested candidates into applicants and thereby improve the diversity of the list. This was successful but at the cost of a larger group of candidates and the reality that the City would not reach as far down the list. An extension that increases the applicant pool overall in order to motivate Black EOIs to become applicants represents a failure. The Blueprint should describe the ways in which Black EOIs will be converted to applicants during the first (and hopefully only) application period. It should build upon what worked during Exam 7001 and frontload those efforts to ensure an immediately diverse list.

The City rejected the recruitment campaign goal we recommended⁸ that would have explicitly accepted this challenge. The City commented that "We don't agree that the extension of the application or test taking period has a place in our overall campaign goal statement." Unfortunately, the City did not otherwise address this challenge in its Blueprint at all. Without planning and intent we cannot expect better outcomes. The City has thus far failed to plan to do better.

Concern 8: Non-specific goal coupled with no benchmarks for success

The City proposes the following campaign goal:

Campaign Goal: The FDNY is committed to conducting a Firefighter recruitment campaign that relies on successful data trends in an effort to produce a list of reachable test takers that maximizes its ongoing efforts to diversify its Firefighter rank to reflect the diversity of NYC.

Rather than adopt the goal Plaintiffs-Intervenors proposed, that included specificity and timing, the City proposes a vague goal and fails to set forth benchmarks along the way to ensure

⁸ **Campaign goal:** The FDNY is committed to a recruitment campaign that results in a reachable list that reflects the age-eligible diversity of the City of New York without the need for an extension of the application period. (See Attachment 4 at 1)

it is on track to achieve the goal. Although the Blueprint states “Monthly assessments will be required to ensure that engagement and participation percentages align with or exceed our EOI campaign percentage goals” the only goals articulated in the Blueprint are monthly EOI goals. (Blueprint at 8) There are no interim goals, no measurements, and no clear indication for whether or not the FDNY is on the path to success. Because the overall goal is so non-specific it seems likely the FDNY will claim success even if the results continue to result in a reachable list that does not reflect the diversity of the City.

Concern 9: Significant resources dedicated to FDNY tutorials which were not found to boost candidate scores

According to the Blueprint, the City will offer tutorials to candidates throughout the entirety of the campaign despite the fact that, unlike the Vulcan Society tutorial, FDNY tutorials were not associated with improved test scores.⁹ It is not standard practice for the City to offer tutorials for job applicants who have filed for public sector exams. Moreover, as we have discussed, we believe FDNY tutorial sessions during Exam 7001 artificially deflated candidates’ interest in attending the Vulcan Society sessions and therefore reduced test scores for Black candidates. Further, while it is true that a higher percent of Black and Hispanic test takers too participated in the FDNY’s tutorial, it served roughly equivalent numbers of Black, Hispanic and White candidates. Even if the FDNY were to improve the efficacy of its tutorial program, we do not understand how doing so would result in better outcomes in terms of the diversity of the list since roughly a third of tutorial attendees were Black, a third were Hispanic and a third were White.¹⁰ The Blueprint does not discuss how, if at all, it would tailor or target the program to

⁹ “Among Black candidates: Our linear probability model* with Reachable likelihood as its outcome variable estimated that, all else equal, **attending an FDNY tutorial was correlated with an increase (+1.3%) in the likelihood of becoming Reachable. Attending a Vulcan tutorial meanwhile was correlated with a larger increase (+9.7%) in the likelihood of becoming Reachable.** Our multiple linear regression model with raw test scores as its outcome variable estimated that attending an FDNY tutorial was **NOT correlated with higher raw test scores, but attending a Vulcan tutorial was correlated with a significant (+2.6) increase in raw test score.** Our linear probability model* with residency credit claim likelihood as its outcome variable estimated that, all else equal, **attending an FDNY tutorial was correlated with an increase (+4.1%) in the likelihood of claiming Residency Credit (given eligibility**), but attending a Vulcan tutorial was not correlated with increased Residency credit claim rate.**” (Attachment 7, slide 49) (emphasis in the original) See generally Attachment 8 slides 44-52.

¹⁰ Plaintiff-Intervenor calculations and Attachment 8, Slide 47 data.

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contribute to the goal of recruiting a reachable list reflective of the age eligible diversity of the City.

It is not clear why the Department would dedicate so many resources to offering even more tutorial sessions to candidates rather than identifying ways to maximize the impact of its outreach efforts and collaborate with the Vulcans to produce better outcomes for Black candidates.

We felt it necessary to share our significant concerns with you regarding its sufficiency the Blueprint and its likelihood of success in this moment of opportunity. We look forward to discussing these concerns, and any others you may have, and moving forward.

Very truly yours,

Rebekah Cook-Mack

	Test takers who attended FDNY tutorials	Percent of FDNY tutorial attendees by race (PI calculation)	Total Test takers	Percent of test takers by race who attended FDNY tutorial (PI calculation)
White	3,115	31%	19,866	16%
Black	3,042	30%	10,625	29%
Hispanic	3,356	33%	11,879	28%
Total	10,152		42,370	

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I represent: Myself

Address: _____

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Name: REGINA Wilson - Vulcan Society

Address: _____

I represent: _____

Address: _____

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Name: James Dalton Jr - RETIRED FDNY

Address: Toronto Ave Massapequa

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Name: Paice Miller

Address: N. Country Road Wading River

I represent: FDNY ELigibles

Address: _____

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Name: Branden Rodriguez

Address: Halletts Point Astoria, NY 11102

I represent: Firefighter Eligibles

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Name: Deputy Commissioner Barbara Dannenberg

Address: _____

I represent: FDNY

Address: FDNY

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Name: Assistant Chief of Police Raymond Dannenberg

Address: _____

I represent: FDNY

Address: FDNY

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Date: 06/05/2023

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Name: Dominick DeFranco

Address: Presley St, SI, NY, 10308

I represent: Firefighter Eligible

Address: _____

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Name: Chief, Thomas J. Tarnowski

Address: _____

I represent: FDNY

Address: _____

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Appearance Card

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☒ in favor ☐ in opposition

Date: 6/5/23

(PLEASE PRINT)

Name: Tabitha Schnepp

Address: 76th St

I represent: FDNY eligibles

Address: _____

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☐ in favor ☐ in opposition

Date: 6/5/2023

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Name: JORDAN T. MONY

Address: 6300 DRIVE LOT, 07 REG PARK

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

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Name: _____

Address: _____

I represent: _____

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Date: June 5

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Name: _____

Address: _____

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 6/5/23

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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