

Notice of Proposed Settlement of Intentional Discrimination Claims

Why am I receiving this notice?

You are receiving this notice because you are a member of a class of black firefighters or firefighter applicants who brought claims of intentional race discrimination against the City of New York and former Fire Commissioner Nicholas Scoppetta.

This notice informs you that the class representatives and class counsel propose to settle the class's intentional discrimination claims against the defendants. The full text of the proposed settlement is set out in the proposed Stipulation & Order, which is enclosed as Attachment 1.

This notice does NOT relate to the settlement of backpay or lost medical benefits claims. You will receive separate notice of that settlement and a separate opportunity to object to it. This also does not relate to any compensatory damages claim you may have.

What are the terms of the proposed settlement?

The full agreement between the class and the defendants is contained in the enclosed proposed Stipulation & Order. However, the terms of the proposed settlement are summarized below.

In exchange for the class withdrawing its claims of intentional discrimination, the City agrees to:

- Use its best efforts to recruit African American test-takers for the civil service exam in proportions closely approximating the representation of age-eligible African American New Yorkers in the city's labor market, plus 3 percent.
- Create an executive staff position of Chief Diversity and Inclusion Officer (CDIO) for the FDNY, who will report directly to the Fire Commissioner and who will have responsibility, among other things, for promoting diversity in the FDNY and expanding awareness of the value of full inclusion of firefighters from all racial and ethnic groups.
- Create a Diversity Advocate position to be filled by a uniformed firefighter who will be empowered to raise concerns relating to fairness, transparency, and respect for firefighter candidates during the hiring process and probationary firefighters in the Fire Academy.
- Increase transparency regarding the FDNY's medical standards and components of the medical exam applicable to firefighter candidates.

- Give New York City residents who graduate from the Fire Academy first priority for placement into a fire company within the division in which they live, to the extent reasonable, practical and consistent with operational needs.
- Engage with the NYC Department of Education and NYC colleges to create educational and other opportunities to enhance the ability of minorities and women to pursue careers as firefighters.

These proposed terms are in addition to, and do not replace, the provisions of the Court's June 6, 2013 Modified Remedial Order (Docket No. 1143) and the October 26, 2012 Final Relief Order (Docket No. 1012), which remain in full force and effect.

Can I object to the proposed settlement?

Yes, you may object to the proposed settlement by completing and returning the Objection Form that is enclosed here as Attachment 2, no later than August 12, 2014. Please follow the instructions on the Objection Form. The Court will review all objections that are submitted by August 12, 2014 and will also hold a "Fairness Hearing" for objectors who wish to voice their objections to the proposed Stipulation & Order.

What is a Fairness Hearing?

A Fairness Hearing gives anyone whose interests may be affected by the proposed settlement the chance to make or submit a statement objecting to or supporting the proposed Stipulation & Order. You do not need to attend the Fairness Hearing in order for your objection to be considered by the Court.

If you wish to attend the Fairness Hearing and state your objection, please check "Yes" at the bottom of the enclosed Objection Form and follow the instructions for returning the Objection Form. The Judge will tell you when to speak and how much time you have to speak.

When is the Fairness Hearing? Where is it?

The Fairness Hearing will be held on October 1, 2014 at 10:00 a.m., and continuing on October 2, 2014 at 10:00 a.m. if necessary, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Courtroom 4D.