

City Forgoes New Fire Class

By DAVID BENOIT

New York City officials on Friday rejected a judge's compromise that it select a new firefighter class using what the city termed racial quotas. Instead, the city will not select any recruits, leaving it without the new firefighters it had argued were necessary.

While officials were quick to say the decision wouldn't have an impact on public safety, Mayor Michael Bloomberg did warn that the judge's ruling would lead to increased pressure on the budget and could force the city to close firehouses.

U.S. District Judge Nicholas G. Garaufis ruled that the city's test for firefighter applicants discriminated against minorities, ordering the city to come up

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with an interim hiring process that would allow it to select a new class while correcting for the test's bias. Earlier this week, he said that if the city wanted to hire a new class it would have to

choose by noon Friday from among five of the seven hiring options identified by a special master, Mary Jo White.

Under one scenario, the city would have picked the top 2,500 candidates that had taken exam 6019, removed the lowest-ranked white applicants and replaced them with the highest-ranked minority applicants. Another involved picking the applicants based on percentages determined from the demographics of the entire applicant pool.

Instead of using what it said were illegal racial quotas, the city rejected all the offers and said it would appeal the ruling.

"The City respectfully believes that using raced-based quotas to select firefighters is both illegal and unwise public policy," Corporation Counsel Michael Cardozo wrote in a letter to Judge Garaufis. "For these reasons, the City declines to select any one of the five proposals offered by the Court."

Mr. Bloomberg said during his weekly radio show that it wasn't essential for the city to hire a class, but that without it the Fire Department's costs would soar.

He raised the possibility of closing firehouses and making other cuts to try to deal with a budget that's already strapped.

"Well, you can spend a lot more money on overtime, which we don't have," Mr. Bloomberg said. "You can close firehouses, which I don't want to do. You could lay off people in other agencies to get the money to pay for the existing number of firefighters to do the job."

Mr. Cardozo said in a statement that not hiring the class wouldn't have an impact of public safety, but would put more pressure on the budget.

Darius Charney of the Center for Constitutional Rights, which was representing the Vulcan Society of black firefighters, said he was surprised by the city's decision because it had argued it wanted the new class. But he said the society was sticking by its position that the FDNY needs to diversify. "The Vulcan Society's interest here is that the fire department has to be more diverse," he said. "If they aren't going to hire a diverse group right now, then they shouldn't hire anyone."

Separately Friday, the Vulcan Society's lawyers said they would seek an additional \$14.6 million in damages for those who had taken two older versions of the exam that were also found to be biased. Mr. Charney said that when back pay is factored in, the suit is seeking more than \$60 million from the city.

