

Candidates Who Aced the FDNY's Entrance Exam May be Victims of Race Discrimination in New York, Civil Rights Violation Attorney Investigates

Minority applicants are in limbo after a FDNY exam is declared unfair to minorities after a significant number of them excel on the exam.

NEW YORK, NEW YORK — December 25, 2010 – Recently a federal court judge ruled that the 2007 FDNY entrance exam was unfair to minority applicants. This court ruling temporarily bars New York City from hiring more than 300 new firefighters.

[New York civil rights violation attorney](#) David Perecman understands how this ruling can frustrate applicants like Nafis Sabir, a 33-year-old African-American man who served eight years in the Marine Reserves. When he took the city's most recent exam in January 2007 Sabir aced it, scoring higher than nearly 22,000 other candidates. His score should have been high enough to get him in.

However the federal court judge, who declared the test [racially biased](#), initially refused to allow the recruits who passed it, no matter their race, to become firefighters. He made this ruling based on the fact that, in the past, minorities didn't score as well as whites.

Ironically, this 2007 entrance exam resulted in a higher number of non-white successes than in recent FDNY history. The test questions themselves were determined to have no race discrimination or racial component to them at all.

Sabir and his classmates were told that the FDNY would not be hiring any new recruits until a better test could be devised, or the city could come up with some other way to hire new firefighters.

In other words, Sabir, a black man, can't get a job because he passed a test the court believes was intended to make him fail because of his race. Dion Hines and David Cargin, are two other African-American men who find themselves in the same position as Sabir.

New York City statistics show that approximately 91% of the FDNY is white. As reported by *The Wall Street Journal*, 38.5% of the applicants who took the 2007 exam, were minority candidates and 33% of the top 4,000 scorers were non-white.

"That less than 10% of firefighters are minorities in a city as culturally and racially diverse as New York," [civil rights attorney](#) Perecman said, "is more indicative of possible [race](#)

[discrimination and employment practices](#) than the exam. The hiring practices of the FDNY as a whole should be investigated.”

Before the [race discrimination](#) related ruling from the court, the FDNY was planning to send out letters notifying 312 candidates who passed the exam that they had been selected to begin training at the academy.

The judge eventually gave the city a way they could hire the test-passers with conditions, but New York City chose not to.

“A 1971 the Supreme Court decision said that an employer can be liable for discrimination if one of their employment practices has a "disparate impact" on minorities. This means that if one racial or ethnic group is doing significantly worse than another on that exam, then the issue of race discrimination needs to be addressed,” said Perecman of New York, a civil rights attorney for over 30 years. “But this exam didn’t appear to violate any [race discrimination and employment practices laws](#) and that’s the conundrum.”

New York Mayor Michael Bloomberg said he would appeal the federal court ruling that temporarily bars New York City from hiring entry-level firefighters.

“Making sure there is no [race discrimination](#) is important. Also important is that we should be hiring more firefighters for the continued safety of New York,” [civil rights violation attorney](#) Perecman said.

About David Perecman and The Perecman Firm, PLLC:

For the past 30 years, the New York false arrest, excessive force by police, police negligence, and civil rights violation attorneys at The Perecman Firm, PLLC have handled all types of cases including civil rights violations. David Perecman, founder of the Firm, is a Board Director and the past Secretary and Treasurer of the New York State Trial Lawyers Association (NYSTLA) and a chair of its Labor Law Committee. Mr. Perecman's achievements have brought him recognition as an Honoree in the National Law Journal's Hall of Fame, in New York Magazine's "The Best Lawyers in America" and The New York Times Magazine "New York Super Lawyers, Metro Edition" for the years 2007-2010.

The Firm has recovered millions of dollars for its clients. Among the more recent victories, Mr. Perecman won a \$15 million verdict* for a construction accident, a \$5.35 million dollar verdict** for an automobile accident, and a and a \$40 million dollar structured settlement for medical malpractice****.

*later settled while on appeal for \$7.940 million

** later settled for \$3.5 million

*** later settled for \$90,000.00

**** total potential payout

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