



## **Report on the Hiring, Retention, and Upward Mobility of African-Americans on the St. Louis Fire Department**

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## Executive Summary

In 1974, that year's Fire Captain's test was taken to court by F.I.R.E. and the U. S. Justice Department. As a result, the St. Louis City Personnel Department conducted and published a study called "ALL Business; Fire service testing in a litigious environment: a case history" (All Business Report). The All Business Report chronicles the history of testing on the St. Louis Fire Department between the years 1974 to 1994.

In 1974, of approximately 1,000 uniformed personnel, only 110—just over 10%—were black. The number of black supervisors was even worse. Only 4 of the 180 Captains—2%—were black. Worse still was the fact that since 1857, there had been not one black who held a position higher than the rank of Captain.

An increase in minority employment occurred from 1974 to 1994, the same years that the All Business Report studied. The fire department saw an increase in black firefighters from 10% to 40%, Captains from 2% to 32%, Battalion Chiefs from 0% to 50% and Deputy Chiefs from 0% to 75%.

During the All Business Report the percentage of blacks on the St. Louis Fire Department was approaching 43% in a city that was 51% black. Today the department is 39% black in a city that is 50% black.

**The All Business Report ended in 1994 and the Personnel Department's entry level testing process was no longer under court rule beginning in 2007. Here are the demographics of hiring and promotion since then:**

- **Firefighters: 60 white/13 black (22%) – Hiring**
- **Captains: 61 white/15 black (25%)**
- **Battalion Chiefs: 25 white/6 black (24%)**
- **Deputy Chiefs: 4 white/1 black (25%)**

The economic impact suffered by the black community and in particular, North St. Louis, is dramatic.

**When considering the raise that comes with promotion, the difference in salary increases—white to black—is:**

- **Captains: White \$793,000 / Black \$195,000 (a difference of \$598,000)**
- **Battalion Chiefs: White \$297,000 / Black \$66,000 (a difference of \$231,000)**
- **Deputy Chiefs: White \$8,000 / Black \$2,000 (a difference of \$6,000)**

The total difference of salary of firefighters hired and the raises of officers promoted after the All Business Report is \$2,574,000 annually. White members of the St. Louis Fire Department predominantly live south and black members predominantly live north. That means that most of that \$2,574,000 goes to the City's south side.

Also in 2008, after more than twenty years of its existence, the Personnel Department abruptly eliminated Administrative Regulation 117F. Administrative Regulation 117F was designed to ensure that the discipline process was fair. As a result, the current Fire Chief has started a rotation of Battalion Chiefs to sit on discipline boards in place of 117F. Because of the promotional numbers above, this means that more than 90% of all discipline boards will be all-white. While the current Fire Chief has allowed members to request some changes to who sits on an individual's discipline board, he has also said that there will not be an all-black hearing board. The fact that all-white discipline boards are routinely scheduled at the same time that the Fire Chief stated there will not be any all-black discipline boards, says that neither the Personnel Department nor the Fire Chief are concerned with giving even the appearance of fairness.

During the majority of the years chronicled during the All Business Report, the numbers of black firefighters hired and promoted were on the rise. The promotional process was the most fair it has ever been in the history of the St. Louis Fire Department. The St. Louis Fire Department came as close as it has ever been to parity—that is, the racial makeup of the St. Louis Fire Department matching the racial makeup of the city. In recent years, the St. Louis Fire Department has taken massive steps backwards. The number of black firefighters hired and promoted has decreased dramatically. The discipline panel is now almost always all-white, is never all-black and the Fire Chief has indicated that he “can't have” an all-black panel while failing to explain why it is okay to have an all-white panel. This backwards slide is unacceptable, unfair and we believe it is a conscious effort of the Personnel Department and the Fire Department to adversely impact African Americans.

The recommendations of this report will summarize changes that, if made, will minimize and could eventually reverse the damage done by the Personnel Department of the City of St. Louis.

## F.I.R.E. Actions

1. F.I.R.E. has sponsored EMT scholarships for minorities.
2. F.I.R.E.'s Outreach Program is a recruitment program where we have gone to the St. Louis public schools and universities in the area to recruit young minority firefighters.
3. F.I.R.E. members who are fire service instructors. This certification qualifies them to teach a full fire academy. Some also instruct at St. Louis Community College at Forest Park in their Highlander program.
4. F.I.R.E. also holds classes to teach potential recruits the skills needed to pass the entry level test for firefighter.
5. F.I.R.E. holds study sessions regularly to tutor individuals with their EMT and Paramedic classes.

## F.I.R.E.'s Recommendations

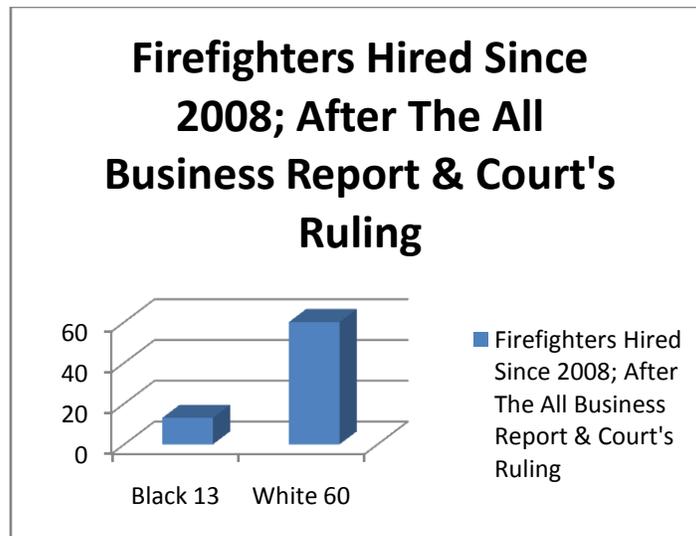
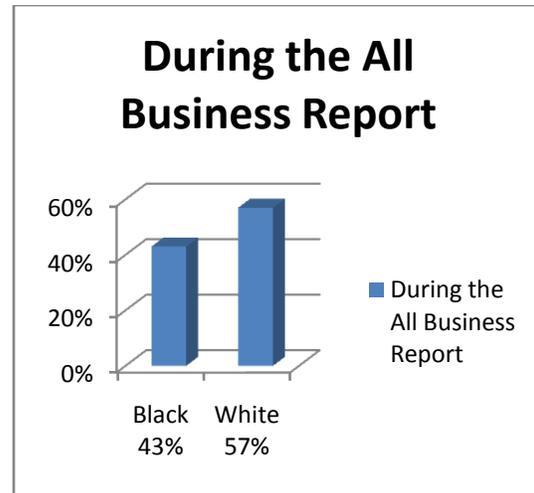
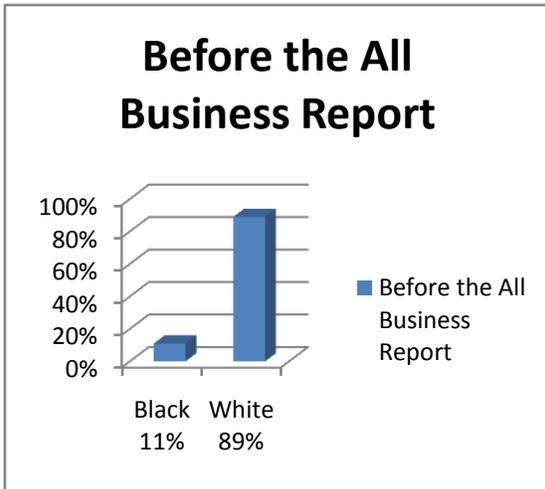
1. Define a clear job analysis for each level of testing and clearly link the analysis to the skills and abilities of the level being tested. A competency-based job analysis is recommended.
2. F.I.R.E. should have real input from the development of the request for proposal (RFP) to the final components of the test.
3. Find a substitute for the written multiple choice examination at each level of testing, **or** use as a pass/fail initial screening as suggested in the All Business Report.
4. Make recruitment of quality protected group members a top priority.
5. Reinstate regulation 117F and require a unanimous decision by the discipline board before a discipline recommendation is given to the Fire Chief. If no unanimous decision is reached, a written statement from all board officers should accompany each officer's discipline recommendation to the Fire Chief.
- 6. All of these recommendations should be reviewed periodically to ensure they are achieving the desired affects.**

These changes must be acted upon seriously and purposefully to remove any doubt of sincerity on the part of the City and the City's personnel department. The Mayor, the top executive in St. Louis, must lead the charge for changes that will usher in an era of fairness and equitability on the St. Louis Fire Department. Swift action in the form of an executive order by the Mayor outlining the recommendations in this report—pending the passage of a bill stating the same—is a good start.

# Section I

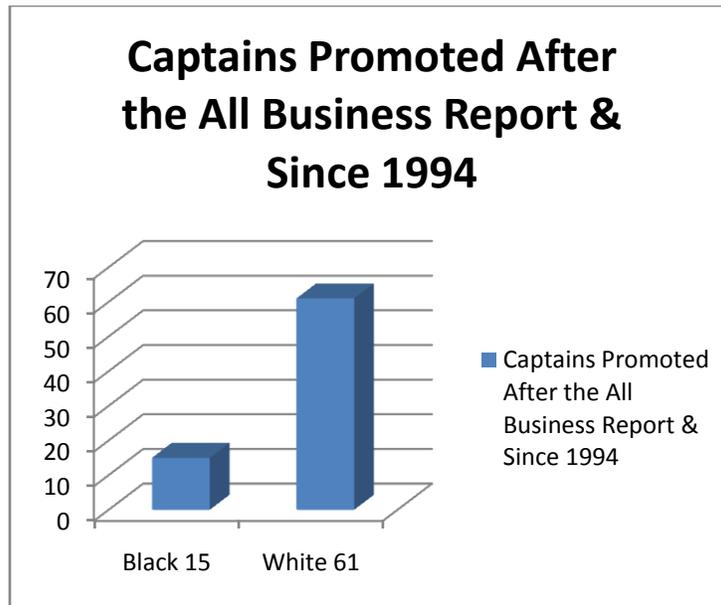
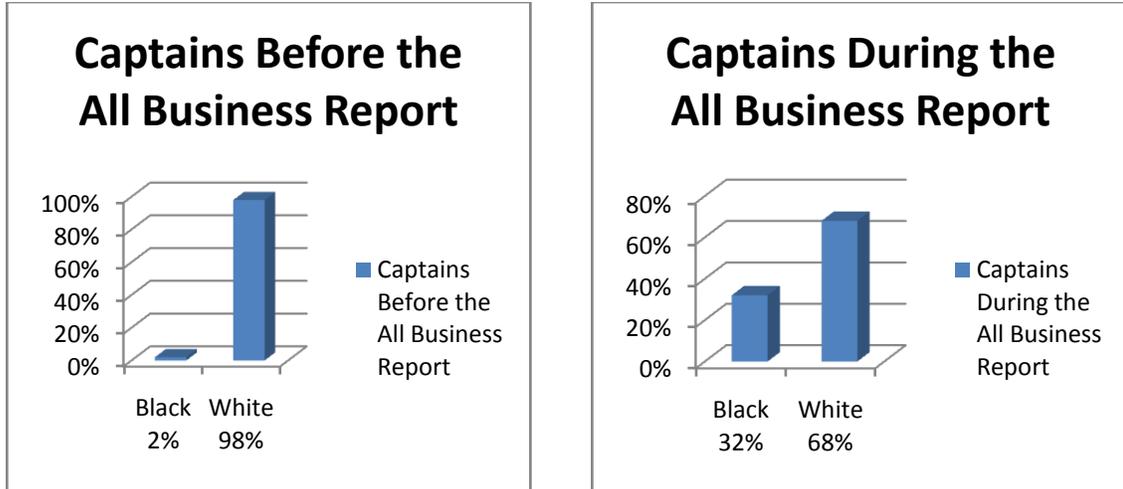
## Racial Makeup of the STLFD Before, During, & After the All Business Report

### Firefighters



**Economic Impact Since 2008**  
**Black \$481,000      White \$2,220,000**  
(The Difference in the Collective Salaries)

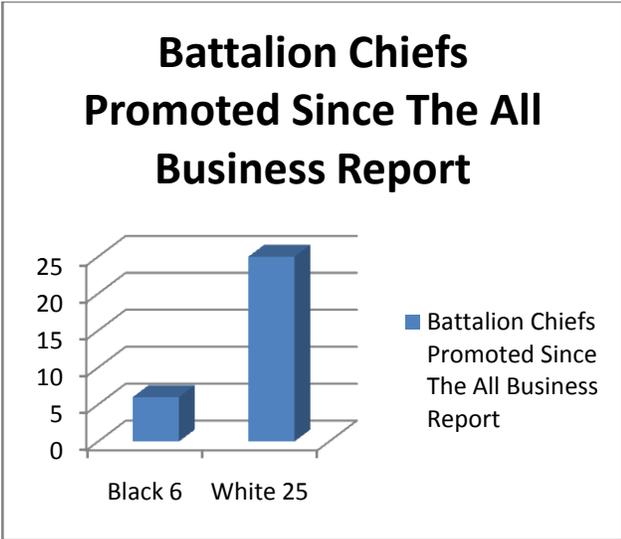
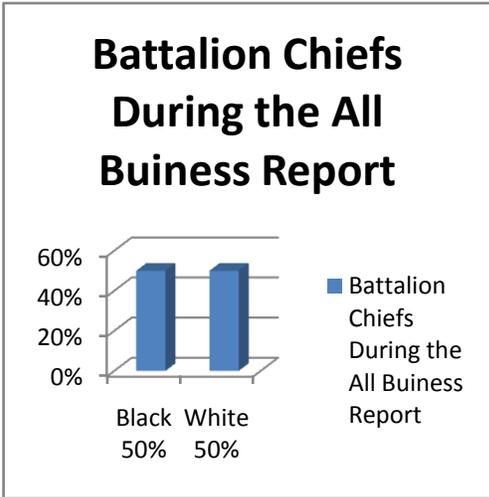
## Captains



**Economic Impact Since 1994**  
**Black \$195,000      White \$793,000**  
(The Difference in the Collective Raises)

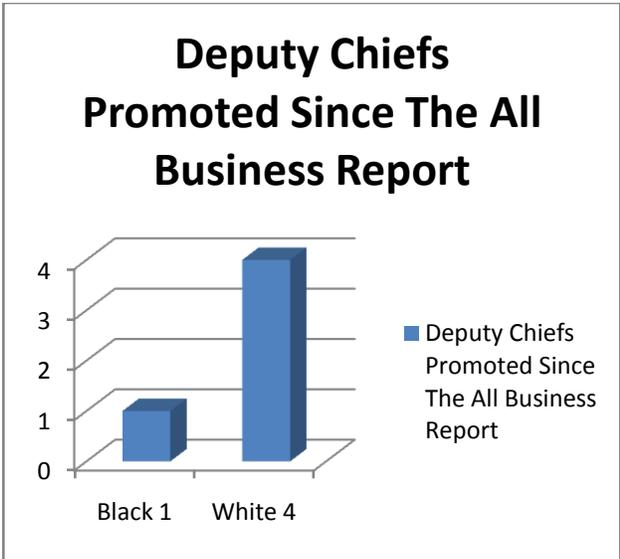
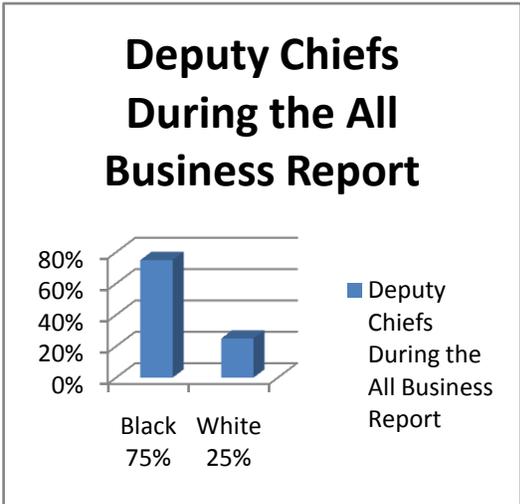
There are a total of 121 Captains positions today.

## Battalion Chiefs (BC) & Deputy Chiefs



**Economic Impact Since 1994**  
**Black \$66,000    White \$297,000**  
 (The Difference in the Collective Raises Only)

There are a total of 20 BC positions today.



**Economic Impact Since 1994\***  
**Black \$2,000    White \$8,000**  
 (The Difference in the Collective Raises Only)

There are 5 DC positions today.

\*In 1994 there were 4 DC positions.

## Section II Background

In 1974 that year's Fire Captain's test was taken to court by F.I.R.E. and the U. S. Justice Department. As a result, the St. Louis City Personnel Department conducted and published a study called "ALL Business; Fire service testing in a litigious environment: a case history" (All Business Report). The All Business Report chronicled the history of the St. Louis Fire Department's testing between 1974 and 1994. In 1974 the number of black firefighters on the St. Louis Fire Department was dismal; of approximately 1,000 uniformed personnel, only 110—just over 10%—were black. The number of black supervisors was even worse as only 4 of the 180 Captains—2%—were black. Worse still, since 1857 not one black had ever held a position higher than the rank of Captain.

An increase in minority employment on the St. Louis Fire Department occurred during the twenty years studied by the All Business Report. Black firefighters increased from 11% to 40%, Captains from 2% to 32%, Battalion Chiefs from 0% to 50%, and Deputy Chiefs from 0% to 75%. The reasons for the changes, according to the All Business Report, were in part because there were consent decrees for entry level firefighter positions beginning in the mid 1970s and for Fire Captain from 1980 to 1983. The consent decrees mandated hiring on a 50/50 basis, meaning for every white hired, a black was hired. Also, as a result of a 1980 lawsuit, the City was court-ordered to work with a committee to develop a test that was valid and acceptable to all parties—F.I.R.E., Local 73, the U. S. Justice Department, and the City. As a result, a three-part testing model—the most fair testing process the St. Louis Fire Department has ever had—was used on four separate occasions for promotional testing, all during the years that data was being collected by the City's Personnel Department for their All Business Report.

We believe that since 1994—the last year studied by the All Business Report—the City's personnel department has intentionally closed the door on promotions of blacks. Black firefighters represented 40% of firefighters in 1994 but since 2008, just 22% (13 of 60) of new firefighters hired have been black. Black Captains once represented 43% of all Captains but since the year 2000, just 25% (15 of 61) of those promoted to Captain have been black. Black Battalion Chiefs once represented 50% of all Battalion Chiefs but today only 15% of Battalion Chiefs are black. Black Deputy Chiefs held 3 of the 4 (75%) Deputy Chief positions by the end of the All Business Report but today, there is one black Deputy Chief out of five positions (20%).

## **Section III**

### **St. Louis City Personnel Department Changes**

#### **Tests for Hiring**

The St. Louis City Personnel Department went into a consent decree (50/50 hiring) with F.I.R.E., Local 73, and the U.S. Justice Department in the mid 1970s. The consent decree mandated that for every white Firefighter hired there would be a black Firefighter hired. The consent decree was in place for over twenty years. The final class hired under the consent decree was hired in 2002. A court order eliminated 50/50 hiring in 2003. This elimination of 50/50 hiring came even after the City's attorney said the Personnel Department gave invalid entry level tests during that same time period. In court the reason the City gave for administering invalid tests was that there was 50/50 hiring so it didn't matter if the tests were valid.

Following the elimination of 50/50 hiring, the judge oversaw the next entry level test in an effort to ensure that the Personnel Department was indeed capable of administering a test that would create a diverse list of candidates. Once the judge was satisfied, the Personnel Department's testing process became unsupervised in 2003. As a result, there have been 60 white firefighters hired during the same period in which just 13 black firefighters have been hired. It is F.I.R.E.'s belief that the Personnel Department has made a conscious decision to go back to tests that benefit white candidates over black in an effort to decrease the number of blacks officers on the Fire Department.

#### **Discipline**

The City Personnel Department's change in discipline has taken advantage of the changes they have already made in testing.

In 2008, after more than twenty years of its existence, Administrative Regulation 117F was abruptly eliminated by the Personnel Department. Administrative Regulation 117F was designed to ensure that the discipline process was fair. It mandated that the fire department's three officer discipline board would consist of two Battalion Chiefs, one black and one white and that one Deputy Chief would chair the board. The Deputy Chiefs would rotate as board chairman monthly, but the two Battalion Chiefs would remain consistent with one alternate each. The process, as it was, ensured that at least one black officer would be on every hearing board. The elimination of 117F has all but ensured just the opposite—that no black officer will be on most hearing boards.

The current Fire Chief has started a rotation of Battalion Chiefs to sit on the board in place of 117F. Of the 20 Battalion Chiefs, only three are black but only two are included in the rotation since the third is assigned to the Fire Chief's staff. The Deputy Chiefs continue to rotate as board chairman monthly, but only one of the five Deputy Chiefs is black. Therefore, more than 90% of all hearing boards will be all-white, while 0% of hearing boards will be all-black. There have been several requests by black members of the department for all black hearing boards. In a meeting with F.I.R.E., Chief Jenkerson said there won't be an all black hearing board and he has held true to his word. All requests for all-black hearing boards have been denied by Chief Jenkerson; meanwhile hearing boards comprised of all-white officers are routinely scheduled.

### **Promotional Testing**

The All Business Report showed that early testing wasn't content valid and had an adverse impact against black candidates. The tests consisted of a multiple choice test worth 45% for technical knowledge, training evaluation worth 45%, and a candidate's service rating worth 10%. For the majority of the years studied in the All Business Report, the promotional tests became a different three-part process: multiple choice, fire scene and assessment center. During this period, promotional testing was as fair as it has ever been. The All Business Report proved that when the Personnel Department wants to, they are indeed capable of contracting with firms that administer content valid tests with no adverse impact against any class, protected or not. The three-part promotional process that was in place for most of the years studied during the All Business Report produced the most diverse promotional lists in the history of the St. Louis Fire Department. Yet in the years since the All Business Report, the promotional process has once again returned to a format that has an adverse impact against black candidates. We believe this was no coincidence but was instead a conscious decision by the Personnel Department to decrease the number of blacks who are promoted.

While tests since the All Business Report had some of the same components of that original version—multiple choice, fire scene and assessment center—the multiple choice component has gone back to being worth more points in the process. This was despite the fact that, as the All Business Report showed, the multiple choice portion of the test showed only if a candidate possessed the general knowledge of the job. Not coincidentally, the multiple choice component was also the only part of the three-part process where whites tended to perform better than blacks. In the second part of the three-part process—the fire scene—blacks performed better than whites. The fire scene test was a written test where a candidate was given a summary of an

incident along with photos of the scene and the candidate had to indicate the actions he/she would take to handle the situation. The All Business Report stated this type of fire scene more closely replicated the job and was a better measure of firefighting skill than the multiple choice component of the test. Despite that fact, the fire scene went from open ended questions to a format that more closely resembles multiple choice type questions. The assessment center was the third and final component in the three-part process. The assessment center consisted of job simulations designed to evaluate supervisory, managerial, and administrative skills. For the most part, blacks and whites scored equally on this component of the test.

Following a ruling by the court of appeals, the testing process underwent some changes. Among them, the multiple choice component of the test became pass/fail and was no longer the most heavily weighted portion of the process. Instead, the most heavily weighted portion of the process became the assessment center, which again, was the portion of the test where whites and blacks tended to perform equally. As a result of these changes, the promotional lists studied in the All Business Report had the most diverse lists of candidates in the Fire Department's history.

Yet, in the years following the publication of the All Business Report, there has not been a single instance where that fair promotional process was used. The actual multiple choice portion—which examines only general knowledge and does not most closely replicate the job—is no longer pass/fail and in fact, the testing process for Captain and Battalion Chief in 2000 was all multiple choice including the fire scene and included no assessment center. We do not believe that it is a coincidence that the portions of the test where blacks either outperform or perform equally as well as whites were eliminated from the 2000 tests. In more recent tests, the fire scene—the portion of the test where blacks tended to perform best and that the All Business Report found most closely replicates the job—was changed and now more closely resembles the multiple choice portion of the test or has diminished to the point where all a candidate has to do is little more than park the fire trucks on scene. The fire scene is the portion of the test that is closest to a simulation of the job. As a point of comparison, surely no one would want to get on a plane piloted by someone who attained their position without ever being in a flight simulator (from take-off to landing), yet the St. Louis Fire Department's promotional process today does not include simulations nor require explanations of actions like the tests during the All Business Report. We do not believe that it is a coincidence that the portion of the test where blacks performed better than whites was altered to resemble the multiple choice test; the type of test where whites performed better than blacks. The altering of the testing process in the years following the All Business Report bears no other explanation except that the City's Personnel Department is trying to ensure there are more white officers than black officers on the St. Louis Fire Department.

## Section IV Conclusion

The City of St. Louis Personnel Department's own study documents that they are capable of contracting with a firm that can give a fair exam. The City also recognized—even back in 1974 with the City's black population at 51%-that staffing the St. Louis Fire Department with significantly low numbers of blacks was unacceptable. The three-part testing process that was in place for most of the years studied in the All Business Report (pass/fail multiple choice, fire scene, and the heavily weighted assessment center) produced the most fair and diverse results in the history of the St. Louis Fire Department. Yet today the Personnel Department has returned to a more heavily weighted multiple choice testing process where even the fire scene—the portion of the test that the All Business Report found most closely resembled the job of being a firefighter—has been reduced to multiple choice or multiple choice type answers. It is no coincidence that the portion of the test that whites tend to score best on (multiple choice) has once again returned while the portion of the test where blacks perform best on (fire scene) has been altered.

In terms of discipline, the elimination of Regulation 117F gave the current Fire Chief the opportunity to change the racial makeup of the discipline board. Due to these changes, over 90% of the time there will be a hearing board made up of all white officers. This significantly heightens the chances that unfairly harsh discipline can be given to black members, while unfair leniency can be given to white members. Meanwhile there is a 0% chance of having a hearing board made up of all black officers. Fire Chief Jenkerson, in a meeting with F.I.R.E, stated that he cannot have an all-black discipline panel. When asked why, he stated, "I just can't." Why is it then okay to have an all-white discipline panel?

**With the knowledge of the All Business Report, we believe there can only be one conclusion: the City's Personnel Department is intentionally reducing the number of black Firefighters, Captains, Battalion Chiefs, and Deputy Fire Chiefs through unfair hiring tests, unfair promotional tests and the removal of Regulation 117F.**