



SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

HÉCTOR J. FIGUEROA
President

LARRY ENGELSTEIN
Executive Vice President

KYLE BRAGG
Secretary Treasurer

LENORE FRIEDLAENDER
Assistant to the President

VICE PRESIDENTS

SHIRLEY ALDEBOL
KEVIN BROWN
JAIME CONTRERAS
ROB HILL
DENIS JOHNSTON
GABE MORGAN
ROXANA RIVERA
JOHN SANTOS
JOHN THACKER

Capital Area District

Washington 202.387.3211
Baltimore 410.244.5970
Virginia 703.845.7760

Connecticut District

Hartford 860.560.8674
Stamford 203.602.6615

District 1201

215.923.5488

Florida District

305.672.7071

Hudson Valley District

914.328.3492

Mid-Atlantic District

215.226.3600

**National Conference of
Firemen and Oilers**

606.324.3445

New England District 615

617.523.6150

New Jersey District

973.824.3225

Western Pennsylvania District

412.471.0690

www.seiu32bj.org

Written Comment - 32BJ SEIU

New York City Fire Department

Rule Changes pertaining to Fire Life Safety Directors

September 19 2016

32BJ SEIU is a union of 155,000 property service workers spanning 11 East Coast States and Washington DC. In the New York metropolitan Area we have almost 70,000 members who work as cleaners, janitors, security officers and other building service workers.

32BJ is strongly invested in the continuation of a Fire Code that recognizes the integral role of building service workers in preventing and responding to emergencies. In thousands of buildings everyday across New York City, 32BJ members are relied upon as the designated Fire Safety/EAP Directors and Deputy Directors. We estimate there to be over 30,000 trained professionals – a large portion of whom have been trained by the 32BJ Training Fund – performing these vitally important roles.

32BJ is supportive of the updates to the training and certification system contained in the 2014 Code. It will serve as an important means of career progression and professional development for our members and lead to both better jobs and safer buildings.

The amendments made in the 2014 Code, and reflected in these rule changes, move from having a two-step structure in which Fire Safety Director and Fire Safety/EAP Director training and certification is separated, to a system of a single training course and certificate – the Fire and Life Safety Director. Beyond this change, the most significant difference in the proposed rules is the addition of four hours of new training covering active shooter and medical emergency preparedness.

While supporting the overall structure of the new single certification system, 32BJ believes the implementation timeframe is not manageable and that a number of fixes could be made to the proposed language to ensure workers and building operations are not negatively impacted.

Short timeframe to implementation

- The proposed rules require that existing Fire Safety and EAP certificate holders undertake an active shooter and medical emergency training course prior to March 1 2017 or upon expiration of a current certificate if it expires before this time.
- This timeframe places considerable pressure on training providers to be accredited by the Department in the delivery of the new training requirements and incorporate courses into their class schedule.
- To date training providers have received no formal guidance from the Department on the proposed curriculum, beyond the content requirement

contained in the proposed rules, and have received no information as to how the accreditation process will be managed in the timeframe proposed.

- In addition to this, the lack of recent certificate holder data from the Department to training providers makes targeted outreach problematic as providers do not have access to complete information on certificate status and expiry dates.

Worker compliance

- Following consultation with 32BJ's Training Fund we are confident that they will, if necessary, be able to offer the requisite training modules, provided the Department is able to share curriculum information and confirm accreditation in a timely manner.
- However it is clear that the March 1 2017 deadline would impose substantial challenges for training providers to identify, prioritize and communicate with existing certificate holders, and for certificate holders to then make arrangements with their employer and schedule and complete the training.
- The union is enormously concerned that the March 1 2017 deadline is unmanageable, and if it stands, will result in large numbers of workers falling non-compliant and unable to perform the functions of their designated safety roles.

Training and examination requirements

- The proposed transition schedule requires the undertaking of active shooter and emergency medical training by March 1 2017, for both Fire Safety Directors and Fire Safety/EAP Directors. However it is unclear if there is an associated examination requirement specific to this training module apart from its presumed inclusion in the non-fire emergency testing requirements.
- The union asks for clarity on this matter and suggests a revision of the current transition schedule with respect to both Fire Safety/ EAP Directors and Fire Safety Directors.

Fire Safety/EAP Directors

- The transition requirements set out for Fire Safety/EAP Directors at §113-02(f)(3) include only the requirement for certificate holders to complete a training courses covering active shooter and medical emergencies – there is no specified examination requirement.
- If this is the intent, it should be clarified that no exam is required prior to Fire Safety/EAP Directors applying for the FLS certificate.
- In any instance, the considerable gap between the March 1 2017 training requirement and the September 1 2018 application deadline, as set by §113-02(f)(2), suggests there is considerable scope for the training requirement to be delayed.
- If this is not the intent, and Fire Safety/EAP Directors are intended to be required to undertake non-fire emergency examinations (as there is no specific active shooter and medical emergency exam), this should be clarified.
- It should be noted however that the union would object to this approach given the duplication in content in which Fire Safety/EAP Directors have already demonstrated proficiency.

Fire Safety Directors

- The transition requirements set out for Fire Safety Directors at §113-02(f)(4) requires certificate holders to complete active shooter and medical emergency training by March 1 2017 and non-fire emergency training by March 1 2018.
- Examination on this content however could occur as late as December 1 2018 (as per §113-02(f)(4)(D) and presuming there is no separate active shooter and medical emergency examination).
- This timeframe again suggests there is capacity for the March 1 2017 deadline to be reviewed.

Trainer Qualifications

- Section §113-06(b)(2) of the proposed rules sets out instructor qualifications for the new active shooter and medical emergency preparedness courses. These requirements are beyond those currently required of Fire Safety Director Instructors.
- Beyond the initial transition period the active new and medical emergency content will be incorporated into a single Fire and Life Safety Courses. It would therefore be beneficial for the management and scheduling of training courses if instructors qualified to run the fire safety components could be certified to teach all required content.
- We ask that the Department clarify that existing Fire Safety Directors will be deemed to have met the required threshold, or that a process such as an approved train-the-trainer course be included in the rules so that accreditation be achieved by this group of experienced instructors.

Qualification requirements

- We note and support the amended qualification requirement contained at §113-02(c)(1) to lower the relevant work experience duration from the current three (3) years to one (1). This will open the career advancing opportunity of gaining a certificate to more workers sooner.
- However we ask that a clause is added to this section to specify qualifying standards for security officers to ensure the training course and career development opportunity continues to be available to this group of building service workers.
- We proposing including *“security officers with 3 years of experience in a commercial building setting”* as a new clause (E) at §113-02(c)(1).

An improved implementation plan is needed

- 32BJ is strongly of the view that even with best efforts of unions, employers, FDNY and training providers, it will be impossible for all existing certificate holders to receive training by the March 1 deadline and avoid becoming non-compliant.
- The union suggests adopting a delayed schedule that commences with a period of no less than 3 months following the enactment of the rules in which training providers receive guidance from the Department on the new curriculum and can apply for and receive accreditation.
- The first deadlines for training compliance should commence no sooner than 18 months after this initial accreditation period.
- We also recommend an extended 60-day public consultation period to ensure that a second public hearing is scheduled following clarification by FDNY on matters raised by stakeholders.

- We further recommend that a more thorough plan be developed that includes the coordination of efforts by the FDNY and stakeholders such as 32BJ and our training fund to share up-to-date data on certificate holders to enable prioritization and targeted outreach, as well as the sharing of communication materials and outreach strategies.

On behalf of our members who perform these integral roles in the City's buildings, 32BJ is strongly invested in the new structure being introduced effectively - without any worker being negatively impacted or the operation of any building being disrupted. We appreciate the opportunity to provide comments here and trust the Department will give the issues we have raised due consideration. We also offer our ongoing participation in any consultation process

For more information, please contact Candis Tolliver, ctolliver@seiu32bj.org, 212-388-3702