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NYC Fire Protection Inspectors File Class Action Lawsuit Against FDNY Alleging Racial Pay Disparities, Inadequate PPE for COVID-19

“The FDNY has a history of treating fire protection inspectors as second-class employees.”

NEW YORK (May 1, 2020) – Five New York City Fire Protection Inspectors and Associate Fire Protection Inspectors (FPIs) along with their union, AFCSME District Council 37 Local 2507, filed a racial discrimination class action complaint today in the federal district court in Manhattan. The FPIs claim that for over a decade they have been paid substantially less each year than New York City’s building inspectors who work for the Department of Buildings. The pay gap steadily increased over the years -- in 2019, the salary gap was about \$9,000 per year on average.

This pay discrimination continues a long history of racial discrimination at the Fire Department of New York (FDNY). The complaint details how the New York City Fire Department (FDNY) gives FPIs lesser safety protections than firefighters and EMS employees. Most recently, the FDNY was reluctant to provide them with PPE, and this situation is being exacerbated by COVID-19. Two of the 400 FPIs passed away from the virus and many are becoming sick.

FPIs keep the public and firefighters safe by maintaining fire prevention standards and insuring functional equipment. The complaint alleges that the pay difference arises because only about 30% of the FPIs are white whereas about 50% of the building inspectors are white. The pay gap cannot be explained by differences in their jobs, according to the Plaintiffs, who contend that the job requirements and duties of the two types of jobs are similar and that FPI jobs are physically riskier. The complaint also presents U.S. Department of Labor data showing that nationally and in major cities FPIs generally are paid more, not less, than building inspectors. New York City is the market with the largest disparity adverse to fire protection inspectors.

“All the evidence points toward the difference in the racial composition of the two groups of employees being the reason that FPIs are paid so much less than building inspectors,” said Michael Lieder, a partner at the civil rights law firm Mehri & Skalet, PLLC. “The FDNY has a history of treating fire protection inspectors as second-class employees. We are unable to identify any valid business reasons for the pay gap compared to building inspectors. Racial hostility explains not only the pay discrimination but also FDNY’s unwillingness to provide FPI’s the same types of protections and recognition that it gives to its other employees who interact with the public every day.”

“It is tragic that these brave men and women are out every day inspecting our multi-family residences, stores and offices to prevent fires while we shelter from the pandemic and New York City won’t pay them fairly. According to the Department of Labor data, they even are paid

less on average than fire protection inspectors in the rest of the State,” added Robert J. Valli, Jr a founder at the civil rights law firm of Valli Kane & Vagnini LLP.

The plaintiffs are represented by Mehri & Skalet, PLLC and Valli Kane & Vagnini LLP.

View the full complaint [here](#).

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