

CITY OF NEW HAVEN
CIVIL SERVICE BOARD

MINUTES OF MEETING

April 14, 2009
(*CSB Special Meeting*)

Present

- Commissioner James Segaloff-Chair
- Commissioner Anne Massaro
- Commissioner Frank LaDore

- Noelia Marcano, Civil Service Secretary,
Personnel Director

Also Present

- Emmet P. Hibson, Jr., Director of Organizational Development
- Attorney Kathleen Foster, Assistant Corporation Counsel
- Attorney Saranne Murray

Absent: All present.

Noelia Marcano opened the meeting at 2:45 PM.

Agenda Item #1 Appeals from Candidates to sit for Police Sergeant Oral Exam

Ms. Marcano presented copies of actual appeals received to date, as well as copies of all correspondence to candidates regarding the exam process for Police Sergeant.

Mr. Hibson thanked the Commission for their short-notice availability for this meeting.

Commissioner Segaloff spoke on the reason for the Special Meeting. He explained that several candidates for this exam claimed not to receive the appropriate information regarding the upcoming oral exam and were denied the ability to continue in the exam process.

He further explained Section 5 of Rule 2, Appeals. With time being critical in regards to the upcoming exam, the Civil Service Commission felt it was important to meet and discuss these issues. This, then, is a hearing to discuss whether or not to accept their appeals. First, the Board will enter into record the role of Human Resources in the exam process. Second, the Board will hear from each candidate. Then, the Board will decide in each appeal case. This is to be done in a public hearing format, rather than in executive session. Commissioner Segaloff then asked it to be read into the record who was filing appeals.

Ms. Marcano read the following names, in order of submission (earliest being first):

April 8, 2009: Officer Marco Francia
April 9, 2009, 3:27 p.m.: Officer Mike Illingworth
April 13, 2009, 2:10 p.m.: Officer Caminer Lavache
April 13, 2009, 2:21 p.m.: Officer Shafq Abdussabur
April 13, 2009, 2:45 p.m.: Officer Samson Reed
April 14, 2009, 8:51 a.m.: Detective Michael Torre

Ms. Marcano then offered as part of the record all information i.e. all communications to candidates concerning the exam. The following documents were named into record:

1. A cover letter that was attached to the original application packet, dated January 26, 2009. It indicates tentative exam dates, preparation sessions, reading lists, as well as other forms.
2. Dated February 9, 2009: a letter to all applicants to attend one or both of the workshop sessions to prepare for the written exam. Ms. Marcano indicated that she confirmed the contents of the envelopes and envelope count prior to mailing.

3. Dated February 12, 2009: A letter to Scott Nabel with workshop session information, with a request to post throughout the Police Department.
4. Dated March 5, 2009: A letter to all candidates regarding the workshops for oral exam.
5. Dated March 15, 2009: Instructions for all candidates for both written and oral exams, on separate sheets but mailed within the same envelope. The written exam notification indicated an exam date of April 4, 2009, with no candidate scheduling needed. The oral exam notification indicated an exam date of April 18, 2009, and instructing candidates to reply by a deadline of April 7, 2009 in order to schedule a time for their oral exam. Ms. Marcano further explained the method by which she confirmed the contents of the envelopes and envelope count prior to mailing.
6. Dated March 18, 2009: Letters to those individuals who did not sign up for the written exam workshops, included materials distributed at the workshop.
7. Dated March 18, 2009: Two memos to Scott Nabel, along with a request to post said memos throughout the New Haven Police Department. One memo informed that test notices were mailed out. The second memo was a reminder of upcoming exam preparation workshop.
8. Dated April 1, 2009: Letters to those candidates who did not attend the oral exam workshop sessions with information that they could now view video of the workshop sessions. The letter included instructions on how to do so and materials distributed at the workshop.
9. Dated April 8, 2009: Letter of confirmation of oral exam to all those who did schedule their oral exam appointment as instructed.
10. Memo to Scott Nabel regarding today's Special Meeting.

Ms. Marcano then explained that after the deadline for scheduling oral appointments had passed, a number of candidates began calling her in confusion about the oral exam process.

There was discussion among the Board members and Ms. Marcano concerning the mailing process itself.

Ms. Marcano further explained the scheduling process within the oral exam component, explaining that the consultant manages the exam, but that Human Resources must do the scheduling for appointments. Ms. Marcano then passed around the actual call-in sheets used by Human Resources to demonstrate the method by which appointment slots were filled. She explained that there were to be numerous exam panels over a 10 to 12 hour day – one exam day for security purposes – and then outlined the sequestering process.

Commissioner Segaloff noted that out of 71 candidates, seven had an appeal, equaling ten percent of the pool; he expressed his concern with this high rate.

Ms Marcano spoke to the attrition rate as being not unusual.

Commissioner Segaloff asked if the Department of Human Resources did anything differently in comparison to past exams, and Ms. Marcano clarified that the only thing different was the increase in communication to candidates.

Commissioner LaDore commented on the volume of letters sent to candidates, and asked for clarification if the candidates were given notice of their oral exam time only once. There was further Board questioning concerning the exact exam notification. Ms. Marcano detailed that there was only one exam notice confirming their appointment time.

After this, the Board took testimony from each individual appellant, in the order in which they had made their appeals.

Officer Marco Francia thanked the Civil Service Board for its time and consideration. He explained that he felt there was a problem with the mailing process and the number of letters sent in correspondence was confusing. He detailed that the workshop notices arrived late and without a location indicated. He maintained that his envelope concerning the written exam did not include any information on the oral exam process. The Board further questioned him on his understanding of the process. Officer Francia again referred to the allegation that he never received an oral exam notice; also that this entire process was different from exams in the past. He also showed the letters which he did receive and the envelopes in which they were received. The Commission asked if this process was in fact different from past practice. Ms. Marciano indicated that this method of scheduling in the exam process is not unusual and has occurred in the past. She further explained how some of the process is decided by the labor union, but that the process used for this exam is not an unusual practice. Officer Francia ended by explaining that he was not surprised initially of there being no oral exam notice, as previous oral exam information has been provided to candidates at the immediate end of the written test portion. It was only after he had spoken to other peers engaged in the exam process that he realized that there was an oral exam notice missing from his information.

Officer Michael Illingworth thanked the Civil Service Board for its time. He explained that he recently had his thyroid removed and had learned only of the Special Meeting from a phone call from the union about the appeal process. He explained that he was off from work since March 3 from a motor vehicle accident which led to the discovery of a cancerous tumor. He had been in the exam process in 2003, and remarked that it was a simpler process at that time. His expectation was that this 2009 exam would be similar, but found that there was a confusing amount of correspondence. He did not dispute the veracity of the mailing and information shared. He commented on the length and confusing process. He admits that he overlooked the information concerning the calling in for the oral exam, but was personally overwhelmed at the time.

Officer Caminer Lavache opened by noting that he has continuously had issues with mailing send from the Civil Service for many years. He further confirmed the receipt of the notice of written exam, and test preparation notices, but contends that he did not receive a notice of oral exam. He did not think this unusual, as in his memory, there had never been a deadline to call in by in order to secure an exam appointment for that portion of the exam. He ended with noting again that he did not receive an oral exam notice, and that this process was different from past exams.

Officer Shafiq Abdussbaur thanked the Board for meeting. He commented on the extraordinary amount of mailings related to this exam, but the process for him did not seem simpler. He further explained how the entire process was different from exams in the past, which had no signing up for another step of the exam process. He admits calling to schedule after the deadline, due to his third shift work hours. His union informed him of the appeal process and that he should investigate this appeal. He also noted that the sharing of information at the Police Department was also untimely and that the posting of exam notices was unreliable. He further mentioned that there was a lot of studying, rescheduling, and mailings involved. He understood the potential difficulties in scheduling an oral exam, but that such a timeline is only in place only because of logistics. By calling late, it does not affect the integrity of the exam itself. He ended by noting again the confusion in having an oral exam sign up prior to the completion of a written exam.

Commissioner Segaloff called a two-minute break.

At 4:08 p.m. the meeting re-adjourned and was back on record.

Officer Samson Reed thanked the Board for hearing his appeal. He explained that he did receive all indicated correspondence, but had not noticed the instructions for the oral exam. Having taken an exam 15 years ago with no similar call-in procedure, he was unfamiliar with such a step.

Detective Michael Torre was the last candidate to be heard from in appeal. He described how he did not at all receive the oral exam notice, but did receive other correspondence regarding this exam process. He further commended the Department of Human Resources on their overall work, but insisted that he did not receive a notice of oral examination; nor did he even know to look for it in his many papers.

Commissioner Segaloff again noted the decision to not go into Executive Session, and asked if there was anything else to add from the Board.

Ms. Marcano went on to note that regarding this process, it is disappointing to have this occur. She noted that suggestions are taken and reviewed, however certain items are codified in the Civil Service Rules. Further, the department will surely be looking to improve procedures. She also indicated that there is always going to be process improvement, and future exams may not be consistent with exams in the past; she hoped that everyone does not simply rely on past practice.

Commissioner Segaloff reminded everyone that at the outset it was decided that each appeal should be reviewed separately, but having heard all testimony, he was prepared to decide on all at once. He further noted that this appeal as a whole should not be construed as a criticism of the process and that he understood the need for deadlines in place. He further noted that this format was not a court, and he was not questioning anyone's testimony or truth. Commissioner Segaloff explained that he was prepared to give the benefit of the doubt to all who testified that their notice had not been received – the exceptions being Officers Illingworth and Reed, who did not dispute receipt, but that they should also be permitted to take the exam.

Commissioner Ladore commented on understanding the confusion from the amount of paperwork, but also wanted the record to show that this does not reflect that Ms. Marcano nor her staff had done anything wrong.

Commissioner Massaro concurred.

Commissioner Segaloff went on to remind everyone that this decision does not establish a precedent and any future issues would have to be reviewed case by case.

Commissioner Massaro added to all of the appellars that they need to follow instructions and implied disappointment that perhaps some of these law enforcement officers may not have followed instructions in this case; she further added that this decision was an exception.

Commissioner Segaloff motioned that the appeals of the six to be taken as a group; further all to be granted and be allowed to sit for the upcoming oral examination. Commissioner Ladore seconded the motion. All yeas; no opposed; no abstentions.

Ms. Marcano further had the scheduling of the candidate's appointments read into the record:
Officer Marco Francia - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.
Officer Mike Illingworth - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.
Officer Caminer Lavache - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.
Officer Shafq Abdussabur - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.
Officer Samson Reed - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.
Detective Michael Torre - oral exam appointment to be Saturday, April 18, 2009, 8:00 a.m.

There being no other business to discuss, Commissioner LaDore motioned to adjourn. Commissioner Massaro seconded the motion. Meeting adjourned at 4:23 pm.

Respectfully Submitted,


Noelia Marciano
Civil Service Secretary

NOTE: For the purpose of compliance with the Freedom of Information Act, these minutes are made available for review subject to later review, revision and approval by the Civil Service Board.

Civil Service Board Approval Date: 8/17/08