

**CITY OF NEW HAVEN
CIVIL SERVICE BOARD**

MINUTES OF MEETING

January 25, 2011

<u>Present</u>	<u>Also Present</u>
<ul style="list-style-type: none">• Commissioner Frank LaDore• Commissioner Anne Massaro• Commissioner James Williams• Noelia Marcano, Civil Service Secretary	<ul style="list-style-type: none">• Steve Librandi, Acting Director Human Resources• Attorney Kathleen Foster, Asst. Corporation Counsel• Scott Nabel, Public Safety HR Manager <p><u>Others:</u></p> <ul style="list-style-type: none">• Several members from the NHFD and the public
<p><u>Absent</u></p> <ul style="list-style-type: none">• *Commissioner Daniel DelPrete	

Meeting opened at 12:31 pm.

Item #1 New Job Description: Youth @ Work Manager

Ms. Marcano apologized to the Board for not arranging for a representative from the Youth Department in sufficient time to attend today's meeting. She informed that since Mr. Librandi was knowledgeable about the position, he would be presenting this item to the Board.

Mr. Librandi presented the job description and provided background summary on the need for the position. Commissioner LaDore asked if the Commissioners had any questions and there were none.

Commissioner LaDore asked for a motion to approve the job description. Commissioner Massaro motioned to approve. Commissioner Williams seconded the motion. All yeas; no abstentions. Job description approved.

Item #2 Job Description Revision by Labor Stip: Supervisor of Construction Resources

Ms. Marcano presented this item and explained the revisions. There were minor questions asked that were answered satisfactorily by Ms. Marcano by using information directly from the labor stipulation document.

Commissioner LaDore motioned to approve the revisions. Commissioner Massaro seconded the motion. All yeas; no abstentions. Job description revisions approved.

Item #3 Job Description Revision by Labor Stip: Deputy Director/Senior Loan Officer

Ms. Marcano presented this item and explained the revisions. There being no questions, Commissioner LaDore asked for a motion. Commissioner Massaro motioned to approve the revisions. Commissioner Williams seconded the motion. All yeas; no abstentions. Job description revisions approved.

Item #4 Civil Service Lists

Ms. Marcano read into the record a summary report she prepared concerning all steps and events in the exam processes for the positions of Life Safety Compliance Officer, Public Assembly Inspector and Fire Investigative Supervisor. Report to be included as part of the minutes of this meeting. At the conclusion of reading the report, she presented Eligibility Lists #01-01, #11-02 and #11-03 to the Board for certification.

Commissioner LaDore asked in regards to the complaint that individuals weren't qualified to take the test when it was posted, but were qualified before the due date, did Ms. Marcano refer to one of the Civil Service Rules, or is there a rule that addresses this. Ms. Marcano responded that she cited Rule II Section 1 in her summary report and that there is another rule that provides reasons for precluding individuals from taking an exam.

Attorney Foster read Civil Service Rule II Section 1 into the record. Commissioner LaDore asked, in terms of the individuals sworn to the permanent position enabling eligibility to compete for the promotional exams, was the fact that they were sworn to the position a timing issue or coincidence.

Ms. Marcano responded that it may have been both. However, that the timing was very much affected by the approval of the promotions of those individuals by the Special Master. She reminded the Board that as mentioned in her report, the Special Master rendered that approval on December 6, 2010, which was day one of the posting for the three promotional positions. She added that they were sworn to the positions on Dec 9, 2010, and that they both submitted applications to the promotional positions of Life Safety Compliance Officer, Public Assembly Inspector and Fire Investigative Supervisor *after* being sworn to the position of Fire Inspector/Investigator.

Commissioner LaDore asked for clarification on the complaint about the study materials. Ms. Marcano informed that some of the individuals that participated in the exam processes that she reported to the Board also participated in the exam process for Deputy Fire Marshal in November 2010.

Commissioner LaDore followed the point of the complaint – that those individuals may have had the same study materials; but then added that that really could not be helped. Ms. Marcano agreed, and reminded the Board of the test consultant's response letter cited in the report that identified the study materials as the primary resources used in carrying out the work of the three positions. Ms. Marcano also emphasized that no test questions used in the exam process for Deputy Fire Marshal were repeated in the exam process for any of the three positions referenced in her report.

There being no more questions, Commissioner LaDore motioned to approve List #11-01 Life Safety Compliance Officer. Commissioner Massaro seconded the motion. All yeas; no abstentions. List approved. As to the duration of List #11-01, Commissioner LaDore motioned for one year duration, with extensions needed if necessary. Commissioner Massaro seconded the motion. List duration was approved at one year.

Commissioner Massaro motioned to approve List #11-02 Public Assembly Inspector. Commissioner Williams seconded the motion. All yeas; no abstentions. List approved. As to the duration of List #11-02, Commissioner LaDore motioned for one year duration, with extensions needed if necessary. Commissioner Williams seconded the motion. List duration was approved at one year.

Commissioner Massaro motioned to approve List #11-03 Fire Investigative Supervisor. Commissioner LaDore seconded the motion. All yeas; no abstentions. List approved. As to the duration of List #11-03, Commissioner LaDore motioned for one year duration, with extensions needed if necessary. Commissioner Massaro seconded the motion. List duration was approved at one year.

Ms. Marcano then presented list #11-04 Deputy Director Public Safety Communications and provided data on the exam process as well as on the pass and fail rates. There being no questions, Commissioner LaDore motioned to approve List #11-04. Commissioner Williams seconded the motion. All yeas; no abstentions. List approved. For clarification purposes, since this list is not a *sworn* public safety position,

list duration is automatically one year, with extensions as needed per practice adopted by the Civil Service Board in 1999.

Item #5 Transfer Request

Ms. Marcano presented the request from Elizabeth DeNnette seeking placement on the transfer list for the position of Clerk Typist. Commissioner LaDore asked for a motion. Commissioner Williams motioned to approve. Commissioner LaDore seconded the motion. All yeas; no abstentions. Transfer request approved.

Item #6 Correspondence Received for Civil Service Board

There had been no correspondence received by or for the Board during the period between the last regular meeting and today's meeting.

Item #7 Litigation Update

Commissioner LaDore motioned to enter executive session so that Attorney Foster could provide an update to the Board on the matters of Ricci v. DeStefano, Briscoe v. City of New Haven, Tinney, et al v. City of New Haven and Luschenat, et al v. City of New Haven and Civil Service Board. Commissioner Williams seconded the motion. Executive session entered at 1:11 pm.

Commissioner LaDore motioned to re-open the meeting. Commissioner Massaro seconded the motion. Meeting re-opened at 1:24 pm.

Item #8 Public Safety Update

Ms. Marcano informed that the promotional lists certified by the Board today concluded active all testing processes in the public safety departments. She added while priorities have been identified and discussed in terms of testing in the Police and/or Fire Departments, it would be some time before those activities would commence. She offered to keep the Board informed.

Item #9 Minutes December 14, 2010 Meeting


Ms. Marcano presented the minutes of the December 2010 meeting. Commissioner Massaro motioned to approve the minutes. Commissioner Williams seconded. All yeas; no abstentions. Minutes approved.

Other Business

The next regular meeting was confirmed to be held on February 22, 2011 at 12:30 pm.

There being no further business to discuss, Commissioner Williams motioned to adjourn and Commissioner Massaro seconded. Meeting adjourned at 1:28 pm.

Respectfully Submitted,



Noelia Marcano
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: 2/22/11

Summary Report - Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor – January 2011

In June 2010 advertisement was issued by the City Purchasing Office for bids to conduct the promotional exam process for the positions of Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor. The bid process closed on June 29, 2010. This same advertisement solicited bids to conduct the promotional exam for Deputy Fire Marshal, which has already been completed and results certified in November 2010.

Three bids were received: one from Dr. Catherine Cline from New York, NY, one from Morris & McDaniel, Inc. from Alexandria, Va. and one from Bruce Davey Associates from Glastonbury, CT.

The selected vendor was Bruce Davey Associates. At its regular meeting for November 2010, the Civil Service Board was provided with information on Bruce Davey Associates' background in public sector personnel testing in the summary report offered when the results for Deputy Fire Marshal were presented for certification. Suffice to say, Dr. Davey has developed many fire and police entry and promotional examinations for the City of New Haven over the last 15+ years.

The promotional exam processes for the positions of Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor commenced in September-October 2010 when Dr. Davey conducted on-site visits to begin the job analysis process. Based on the job analysis, Dr. Davey prepared and outlined the study resources and the examination plan. The results of the job analysis also determined that a written test and an oral test following a compensatory model of scoring would be appropriate for the exam process for all three positions. Consequently, it was decided to weight the written tests at 50% and the oral tests at 50% for all three positions.

The examination plan for the written tests for all three positions included a one-day multi-part examination. A core test of approximately 60 test questions appeared in all three written tests. There were also 20 additional test questions specific to each position appearing in each test. This approach facilitated one exam sitting regardless if a candidate competed for only one or all three positions. Ultimately 5 candidates participated in testing for all three positions, and each candidate was subject to a written test that contained 60 core test questions, plus 20 test

questions each specific to the positions of Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor, for a total of 120 test questions for all three positions. Additionally, a portion of the written test for all three positions was open-book format. Results of the job analysis revealed that there are a number of sources (i.e.: fire codes, regulations, state statutes, etc.) that would normally be “looked up” on the job on as-needed basis in carrying out the work of all three positions. Consequently it was found highly appropriate to use an open-book approach for a portion of the written tests.

The oral exams for the positions of Public Assembly Inspector and Life Safety Compliance Officer were treated similarly to the written exam in that there was one oral exam event, with a set of core test questions across both positions and several questions specific to each job title. There was one separate oral exam event for the position of Fire Investigative Supervisor.

Interested applicants were informed of all three promotional opportunities through three separate job announcements which solicited applications starting December 6, 2010 through December 17, 2010. A total of 18 applications were received, meaning 6 applicants each submitted an application for all three positions. In addition to the customary placement of job announcements on Human Resources’ job posting board as well as the City’s web site, we also arranged to have the job announcements for these promotional opportunities posted in a visible place in all physical locations of the New Haven Fire Department.

Of the 6 applicants, one was disqualified for not meeting one of the requirements necessary for all three positions. That specific requirement establishes that in order to sit for any of the three exam processes, the applicant must already hold a sworn, permanent position in the Fire Marshal’s Office. The disqualified applicant, upon receiving his disqualification letter was informed of his right to appeal the disqualification decision to the Civil Service Board. This matter was heard at the December 14, 2010 Civil Service meeting. The disqualified applicant was informed of the meeting date, time and location and invited to attend although ultimately he did not. The disqualification decision was upheld. The process continued with 5 eligible applicants.

A special application packet was provided to all those responding to all three job announcements. This packet included the job announcements, the job descriptions and employment applications.

All study materials were available at the time of application submission and were directly provided by the Human Resources Office to eligible applicants meeting the requirements for each position.

From the point in time that Human Resources notified and made the study materials available, eligible applicants had a period of approximately 5 weeks to prepare for the exams.

On December 20, 2010 the Human Resources Office notified the 5 remaining candidates in writing to inform of the test dates, times and locations and other testing specific instructions. This mailing included the written exam notices and the oral exam notices with instructions on how oral exam appointment times would be scheduled.

On or around December 9, 2010 the Department of Human Resources was alerted that the Special Master had received two letters of complaint concerning the promotional processes that are the topic of this summary.

For the purpose of edification for the newest Civil Service Board members, one of the outcomes of Broadnax v. City of New Haven, et.al was a court order in 2002 appointing a special master, whose job would be to report to the court the City's compliance with all federal, state and local laws in regards to promotions within the New Haven Fire Department.

One complaint letter was from counsel for Local 825 (Fire Union) alleging that individuals who did not meet the minimum requirements for the positions were being allowed to apply. The other letter was from a candidate alleging that candidates who participated in the exam process for the position of Deputy Fire Marshal back in November 2010, (to which he was precluded from competing), were given an advantage, in terms of the study materials, over those candidates participating in the exam processes that are the topic of this report.

Rule II Section 1 of the Civil Service Rules & Regulations state that “All applicants in order to take an examination, meet the minimum requirements as stated in the class specification or the examination announcement.” By way of our long-standing and well established practice and procedure, applicants submit applications, Human Resources reviews to ascertain if minimum requirements are met, and the decision is made to allow or disqualify an applicant from sitting for the exam. Note that nowhere in the cited rule or explanation of the procedure, is anyone *precluded from submitting* an application.

As mentioned previously, the posting period for all 3 positions ran from Dec. 6, until Dec 17, 2010. There were two individuals promoted and sworn to the position of Fire Inspector/Investigator during the course of the posting period, specifically on Dec. 9, 2010. The Special Master had approved the promotion of these two individuals to the position of Fire Inspector/Investigator on Dec. 6, 2010.

The position of Fire Inspector/Investigator is a permanent position in the Fire Marshal's Office, and as the most junior position in the Marshal's Office, those holding this position would be eligible to sit for the promotional examinations for Life Safety Compliance Officer, Public Assembly Inspector and Fire Investigative Supervisor. The two afore-mentioned individuals submitted applications to compete for the three promotional exams *after* they were promoted and sworn to the position of Fire Inspector/Investigator, but before the close of the posting period. Human Resources determined that each met the requirements for all three positions; the Fire Union contends they do not because they did not meet a minimum requirement on *day 1* of the posting period (Dec. 6), even though they satisfied the minimum requirement on Dec. 9, which was the day they both submitted their applications, well before the application submission deadline of Dec. 17th.

The study materials, or Reading Lists for the positions of Deputy Fire Marshal (tested in Nov. 2010) and Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor included almost identical select chapters from IFSTA Essentials of Firefighting, 5th Edition and the Fire Chief's Handbook, 6th Edition; identical Policy Directives from the State Fire Marshal's Office and almost identical select City of New Haven policies.

Upon request, Bruce Davey Associates submitted a letter to Human Resources, which was also submitted to the Special Master, explaining the reasons why the required reading to prepare to take these exams was so similar or identical in nature. Key points from the letter are summarized as follows:

- All reading lists contained the key resources used by, and required to function within, the jobs listed. A primary goal was to use key resources actually needed to do these jobs – NOT to assign a list of materials that would only be useful for test study purposes. Therefore the study lists consisted of materials that qualified candidates have likely used before and will surely use again because they are essential to these jobs, and not just to studying for the tests. The materials on these reading lists are not novel materials or abstract treatises – they are “tools of the trade” which any well-qualified candidate for these promotions should already be familiar with, whether or not they took the recent Deputy Fire Marshal test.
- Every field has its “bibles” which its practitioners must master. An example from another field is the Connecticut Practice Book which is essential for CT lawyers to know and be able to use. A promotional test which does not include the “bibles” of the field being tested will be off the mark. Eliminating or watering down key resources would make the tests less relevant (i.e., less job-related, and less defensible if challenged) because these are the field’s key resources. It would do an injustice to the testing process to design tests so that someone who is less familiar with the key resources used in fire inspection and fire investigation does not have to answer questions related to these materials. This may open the door to challenges from, candidates who may be better qualified, more experienced, and more job-ready because they know the critical tenets of their field.
- Even though the required reading across all 4 positions was similar or identical, questions from the Deputy Fire Marshal test were not repeated on the most recent tests (Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor).

The Office of Corporation Counsel’s response to the Special Master by way of a letter in Dec. 2010 and a status conference on January 5, 2011 laid out the City’s position on both of the complaints. The Special Master instructed Counsel for Local 825 to reduce complaints with a legal basis to writing and to submit by January 19, 2011. The submission was received by the prescribed deadline and the City’s reply to the complaint is due by early February. A hearing will be held and it is expected that the Special Master will issue his report by or before the end of March.

As for the actual exams, the written examination was administered on January 10, 2011 and all 5 remaining candidates presented for testing. The candidates were given approximately two and ½ to three hours to complete the written exam. The written test was facilitated by City of New Haven Public Safety HR Manager Scott Nabel and test consultant Dr. Davey. All

candidates were supplied with resources to complete the open-book part of the written tests. These included the Connecticut Fire Safety Code Guidebook, Chapter 541 of the Connecticut General Statutes and NFPA 921. Approximately 30% to 40 % of the test points in the written exams were directly associated with the open-book portions of the tests.

The oral examinations administered on January 12, 2011 were for the positions of Life Safety Compliance Officer and Public Assembly Inspector. The oral examination administered on January 14, 2011 was for the position of Fire Investigative Supervisor. All five candidates attend the three oral exams. The oral test was facilitated by test consultant Dr. Davey as well as City of New Haven Public Safety HR Manager Scott Nabel. All candidates were asked the same questions in the same order across all three exams, and all questions and answers were audio taped.

For security purposes, a sequestering model was used so that when the first candidate was in the process of testing, the second candidate arrived at the test site. When it was time for the second candidate to test, the first candidate was sequestered on site and the third candidate presented for testing. When it was time for the third candidate to test, the first and second candidates were sequestered until the fourth and fifth candidate arrived at the test site. This method was utilized to prevent any cross-talk prior to testing among the candidate group.

A total of 3 evaluators served on each oral exam panel. On the panel for the Public Assembly Inspector and Life Safety Compliance Officer oral exams were - a Connecticut municipal fire marshal, an administrator from the Massachusetts State Fire Marshal's office, and a Fire Captain with four years of experience as a fire marshal as well as extensive field experience. There were two white males and a Hispanic male on the panel.

On the panel for the Fire Investigative Supervisor oral exam were – a Connecticut municipal fire investigator, a recently retired (but still professionally active) fire marshal from a Massachusetts municipality and a Battalion Chief from Camden, New Jersey with four years experience as the Camden Fire Marshal and extensive investigative experience. There were two white males and a Hispanic male on the panel.

The two panels consisted of six different examiners, i.e., none served on both panels.

All evaluators attended mandatory training covering all relevant facets of the scoring procedure along with a discussion and final selection of the questions to be used in the oral test. This training was conducted by Dr. Davey.

New Haven Fire Marshal Joe Cappucci met with the panel on each day during the evaluator training to describe the workings of the New Haven Fire Marshal's Office, the duties of the Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor in New Haven, and to answer any questions from the panel. This meeting did not include any discussion concerning the candidates who were to take the test as this would have been highly inappropriate.

Candidates were given feedback forms to complete anonymously at the end of the written and oral tests. Essentially, each of the five candidates had three opportunities to provide feedback across three separate days – immediately after completion of the written test and immediately after each oral test. All candidates offered that they thought the exam process was fair and related to the jobs being examined. Each of the five candidates stated that they thought that the evaluators for each of the two panels gave them a fair chance to display their capabilities. While the candidates had an opportunity to anonymously critique these tests, no negative comments were made about any aspect of the process on any of the fifteen feedback forms.

Scores on each of the three written test components, including the average or mean score and range of scores are as follows.

	Mean	Range from low to high
Public Assembly Inspector	74.00%	60% - 85%
Life Safety Compliance Officer	76.80%	64% - 83%
Fire Investigative Supervisor	84.00%	76% - 91%

Scores on each of the three oral test components, including the average or mean score and the range of scores are as follows.

	Mean	Range from low to high
Public Assembly Inspector	83.38%	79.76% - 87.62%
Life Safety Compliance Officer	83.24%	79.76% - 87.38%

Fire Investigative Supervisor	79.14%	74.29% - 87.38%
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Final scores for each of the three examination titles were based on the average of the written and oral examinations (e.g., each component weighted at 50%). A passing score of 70% on the combined written-oral score was required for placement on the eligible lists. Final scores for each of the three jobs are as follows, including the average or mean score and the range of scores.

	Mean	Range from low to high
Public Assembly Inspector	78.69%	70.95% - 86.31%
Life Safety Compliance Officer	80.02%	71.88% - 85.19%
Fire Investigative Supervisor	81.57%	75.15% - 85.74%

All five candidates passed the examination processes and are on the three separate lists.

Adverse impact data is also relatively inconclusive with only five candidates. That being said, there were four Caucasian candidates and one African American candidate.

Although the number of candidates makes a discussion of test reliability inconclusive, the data collected to establish the content validity of the test stands on a solid foundation. To summarize:

- a. Thorough job analyses were conducted for all three positions and all test material was developed or selected to match the job analyses.
- b. All questions used on the written and oral tests were rated by an expert panel of five fire marshals as job-related, accurate and important to include.
- c. The candidates themselves considered both components of the examination to be fair and job-related. There were no candidate complaints or problems raised.

Based on these findings, the consultant submits that the written and oral examinations for all three positions are fair, valid and defensible.

Three separate lists of final scores were transmitted to the City by Bruce Davey Associates, and BDA has certified in writing as to the accuracy of all test results.

The promotional examinations for the positions of Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor were job-related in discernable ways, and were designed and administered consistent with current professional standards. According to the report by Bruce Davey Associates, it is reasonable to conclude scores across all three examinations reflect job-related competencies.

On this basis, the eligibility lists for the positions of Public Assembly Inspector, Life Safety Compliance Officer and Fire Investigative Supervisor for the New Haven Fire Department are presented for certification.