



Personnel Committee - Board of Representatives

Susan Nabel, Chair

Mary Fedeli, Vice Chair

Committee Report

Date: Wednesday, April 22, 2015

Time: 6:45 p.m.

Place: Republican Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Personnel Committee met at the above date and time. In attendance were Chair Nabel, Vice Chair Fedeli and Committee Member Reps. DePina, Figueroa, McMullen, McNeil, Nabel, Okun and Savage. Absent or excused was Committee Member Rep. Fountain. Also present were Reps. de la Cruz, DeLuca, Ryan, Silver and Zelinsky; Clemon Williams, Director of Human Resources; Kathryn Emmett, Corporation Counsel; Robert Murray, Human Resources; and several members of the public.

Chair Nabel called the meeting to order at 6:53

Item No.	Description	Committee Action
4. ¹ P29.042	REVIEW; Status of Recent Firefighter Entry Level Exam. 04/07/15 – Submitted by Reps. DeLuca, Coppola, Nabel and Zelinsky	REPORT MADE

The Committee first considered Item No. 4. Ms. Emmett and Mr. Williams explained and responded to questions from the Committee regarding the problems with the initial exam and the steps the City took in response as follows:

- Initially they noticed that test takers were unable to finish the exam and that the questions did not seem to be a good measure or entry-level firefighters
- When they received the results, there was a disparate impact on minority and women applicants, which raised a concern of potential legal liability for the City. As a result, they City had a testing expert evaluate the exam. The expert concluded that the exam had a statistically significant disparate impact on black, Hispanic and female candidates. The expert also concluded that the test did not meet the current standards for a validly constructed test.
- Under the Supreme Court rulings a test which has a disparate impact would not violate Title VII unless the test is not job related or justified by business

¹ Video Time Stamp 00:01:00

necessity. A test which has a disparate impact and is not job related or justified by business purposes could not be justified in court.

- This test does not meet those standards
- The individuals who took the test will be able to take a new test in May. It will be a 2 day test and there will be no charge. Only those who already took the test may take the new test.
- The City only decided to throw out the old test after receiving the expert's report, which is dated 3/24, that the test did not serve a valid business purpose. The expert concluded that the test did not identify who would be a good entry-level firefighter.
- The City must make the people who passed the prior test retake the test because the City could not defend hiring from the prior test in court. It would violate the civil service laws to use a bad test.
- The vendor has represented to the City that this was a job related and gender and race neutral exam
- A validation study that works for a smaller less diverse community may not be appropriate to determine who would be a good firefighter in Stamford
- To avoid this happening in the future, the City will use more specific RFPs for testing, do a better job of identifying companies that will do a good job, and will have to account in the budget for the necessary amount for testing
- The passing rate for the test overall was lower than the national average, as were the rates for minorities; there was also a disparate impact on the individuals who qualified for volunteer points
- HR does not review exams beforehand in order to avoid any claim of impropriety

²3. P29.040 REVIEW; status of outstanding Union Contracts. **REPORT
MADE**
03/04/15 – Submitted by Rep. Nabel
03/25/15 – Held in Committee

The Committee next considered Item No. 3. Mr. Williams and Mr. Murray updated the Committee on the status of the City's negotiations with the unions. The City is close to finalizing negotiations with 2 unions, is in the middle of negotiations with 3, and has not begun negotiations with 3 others.

³2. [P29.044](#) APPROVAL; Contracts with Morris & McDaniel for **APPROVED 7-
Firefighter Entry Level Retest. 1-0**
04/08/15 – Submitted by Mayor Martin
04/09/15 – Approved by Board of Finance

The Committee then considered Item No. 2. Ms. Emmett reviewed the terms of the contracts. One is for \$99,700 and the other is for \$16,240. Although neither is above \$100,000, the Administration decided to bring them before the Board of Representatives for approval because they are related contracts which total more than \$100,000. In response to questions from the Committee, she explained that:

- The testing was done and will be re-done in anticipation of an emergency hiring

² Video Time Stamp 01:07:25

³ Video Time Stamp 01:15:30

- because the City was in risk of losing the FEMA Turn of River grant
- After doing research, including reviewing court cases involving entry-level fire exams and having the chiefs speak to other chiefs, and finding out the appropriate price for this type of exam, they decided to approach 2 companies.
- They met with both companies and checked references.
- The fees charged by the companies were the same and were not out of line
- While this is an expensive exam, New Haven had very good results with this company and only 1 of the 50 people who passed their exam did not become a probationary firefighter.
- It costs well over \$1 million to create a class of probationary firefighters, so it is worth it to invest the money to ensure that good people are hired
- It is not possible to use previous tests or to use a test more than one time
- This price is based upon the number of people taking the test, the quality of the test preparation and the elements of the test being given.

A motion to approve this item was made, seconded and approved by a vote of 7-1-0 (Reps. Nabel, Fedeli, DePina, Figueroa, McNeil, Nabel, Okun and Savage in favor; Rep. McMullen opposed).

⁴1. P29.035 **ORDINANCE for publication;** Requirements **HELD 7-1-0**
 Needed for Job Applicants to receive Residency
 points.
 12/03/14 – Submitted by Reps. Mitchell and
 de la Cruz
 12/10/14 – Report Made
 12/21/14 – Report Made & Held in Committee
 01/21/15 – Report Made & Held in Committee
 02/18/15 - Report Made & Held in Committee
 03/25/15 – Held in Committee

Ms. Emmett stated that there have been court cases that challenge residency points based upon a denial of equal protection rights. Issues would include imposing a condition on a job that doesn't relate to the job or impeding an individual's right to travel. If accessibility to a workplace relates to a job, such as a public safety job, the judgment may be that it is beneficial, and a rationally related job requirement. Union contracts may also limit this. Committee members discussed possibly coming up with a list of City jobs for which accessibility to the workplace would be beneficial. A motion to hold this item was made, seconded and approved by a vote of 7-1-0 (Reps. Nabel, Fedeli, DePina, Figueroa, McNeil, Nabel, Okun and Savage in favor; Rep. McMullen opposed).

Chair Nabel adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Susan Nabel, Chair

This meeting is on [video](#).

⁴ Video Time Stamp 01:37:40