

- 1) Meeting called to order by Chairman Jones at 6:00 p.m.
- 2) Approval of May 25 meeting minutes Motion for approval made by Mr. Sousa, 2nd by Mr. Pavinelli.
- 3) Attorney Chester and Attorney Janus re-presented the grievance for the benefit of new Board Members:

Atty. Chester:

5 Appellant Fire Fighters applied for the Fire Lieutenant's Exam. Will testify to their preparation for exam. In total, 20 fire fighters took the same exam. 10 failed, all on Oral portion of the exam. Printed instructions state 3 *Examiners* would be present, and 3 scores would be averaged to arrive at final score. 4 *Examiners* were present, 4 scores were averaged, rather than 3. Test announcement stated that fire fighters must achieve a minimum score of 70 on the written portion of the exam in order to qualify to sit for the Oral Panel. There was No requirement for a 70% score for the Oral portion of the exam in order to secure the seniority quotient. Use of 4 scores rather than the stated 3 is the issue. Wants Oral score discarded. General Information has only identifier of "Exam" next to the word "Written" & "Oral" but not next to the word for "Seniority." (See Town Exhibit A) Wants other remedy that would take into consideration the problems of this exam impacting the appellants. The service to the Town as go-getters and wanting to succeed in advancing their careers to benefit the citizenry thereof is the sole reason to seek this appeal as something is/was amiss.

Atty. Janus:

Atty. Chester stated that 5 Firefighter failed the exam. 1 of those Firefighter passed and should not be an appellant. Understands the disappointment of those who failed, but exam process being argued has been in place and used for 20 years. The number of *Examiners* may vary. Number of questions on the exam may vary. Oral *Examiner* was the only people present for Oral exam. Personnel Board members must not base their decision on how questions were answered. No decision may be made based on answers to exam questions. The decision should be based simply on the appropriateness of the test procedures. The procedure was consistent with the pattern of operation by the Town and the Department over the years. It is appropriate for the Board to review the process and should not substitute their judgment for that of the *Examiners* as the Board did not sit and serve as an *Examiner* and did not have the experience and training as those *Examiners*. There were three exams and the General Information outlined those exams therein (See Town Exhibit A)

Atty. Chester raised point of inappropriateness of % tied to each portion. Also, the Personnel Rules are clear as to the conduct of the exam.

Mr. Sousa asked what criteria was being used. Answer: Town Personnel Rules

Atty. Chester: Acknowledged that 1 Appellant had passed the test. He also stated that there are 3 portions to the exam, as follows:

Written	50%
Oral	40%
Seniority	10%

Will not ask Board to substitute their own interpretation of the questions. Also argues that there are only 2 portions to the test: Written & Oral.

Atty. Janus stated that the Personnel Rules state a passing grade requirement of 70% for each portion of the exam. Atty. Chester disagrees.

4) Chairman Jones thanked Captain Berry from the City of New Britain Fire Department for attending the hearing. Chairman Jones also apologized on behalf of the Board for not having a quorum for the last scheduled meeting. The composition of the present Board was discussed and the reminder of the agreement of Counsel that so long as the same Board Members hear and decide this appeal that was satisfactory for the appellants and the appellee. Later after Captain Berry left, the same apology was extended on behalf of the Board to: the Apellants; the other Members of the East Hartford Fire Department observing this Hearing and to the East Hartford Firefighters Local 1548, International Association of Fire Fighters – AFL/CIO Union. A copy of the Minutes will also be sent to Captain Berry. Chairman Jones swore in Captain Berry.

5) Attorney Chester to Captain Berry:

Question

Introduce yourself and tell Panel who you are.

Did you take part in the Lieutenant's test given last fall?

What were you told about the test prior to beginning?

Were you given a list of questions?

Were you told the scoring range?

Not aware if score was passing or failing?

Would you be surprised that 50% failed?

Answer

Captain Michael Berry, City of New Britain Fire Department

Yes

1 of 4 *Examiners*

20 Firefighters took written test

Would present a series of questions to each Firefighter.

No talking or follow up questions for Firefighter

Examiners discussed questions with other *Examiners* and compiled the list.

The Town Human Resources and Fire Department Designated personnel met and discussed and approved the questions that were to be asked in the same sequence and manner to each of the Firefighter taking the Oral exam.

Shown a paper with the range. Between each candidate, Panel would discuss the candidate and determine score.

Correct

No. Familiar with procedures. Individual scores were given. If more than 2 points separated, discussion would take place to determine why the discrepancy. Godfred Ansah, Ph.D. functioned as an observer/onlooker on behalf of the Town for

the scoring.

- Chairman Jones: Recess at 6:36. Regroup at 6:40.

- **Attorney Janus to Captain Berry**

Review documents

Instructions: Handed out to *Examiners* and reviewed with Ms. Kyeremateng.

Rating Scale: Handed out to *Examiners* and reviewed with Ms. Kyeremateng.

Scoring sheet: Handed out to *Examiners* and reviewed with Ms. Kyeremateng.

Were there any scoring discrepancies of more than 2 points for any candidate?

No. If there was any discrepancy of more than two points for any question a discussion would ensue between the *Examiners* and after conferring on same the score would be revisited.

Meeting prior to meeting candidates?

Examiners met with Chief Oates. Reviewed and discussed questions to be asked. All were in agreement with the questions.

Did you volunteer to be on the panel?

Was told by my Chief one day prior to Oral Panel that I would be attending. Was not contacted by East Hartford

- Private discussion: Chairman Jones, Atty. Janus, Atty. Chester
- Results of private discussion revealed to Hearing Audience was that as the Chairman was available at the last time the Appellants testified before different Board Members he was privy to what was said and wanted to clear with Counsel that he was going to ask questions which may put the Appellants or the appellee at a disadvantage and wanted to ask counsel for their opinion. Counsel agreed that the Chairman could proceed. Chairman thanked counsel and indicated that both should feel free to object to any question before an answer was given.
- Private discussion: Chairman Jones, Mr. Sousa, Mr. Povinelli., Ms. Kayser
- This discussion with The Board members was also the Chairman informing them of the information he had and that he would be asking questions thereto.

6) Chairman Jones presented the opportunity for the Union to ask Captain Berry any questions. Union declined.

7) Questions for Captain Berry from the Personnel Board:

Mr. Povinelli:

Have you taken part in other Oral Panels

Yes

How was each candidate identified on forms:

Can't recall. Personnel kept track of who was who

Were there 5 questions:

Don't recall the number

Were there any multi part questions?

Some

Scoring took place when?

After candidate left the room, discussion and comparison of individual score sheets took place, looking for discrepancy of more than 2

How long did each interview last?

points. Discussion was used for clarification.
Don't recall precisely, under ½ hour.

Chairman Jones: Opportunity for Mr. Sousa and Ms. Kayser to ask Captain Berry any questions. Both declined.

Chairman Jones to Captain Berry

Clarifying scoring sheets – Score was mandatory, notes were not Correct

All paper was handed to Godfred Ansah, Ph.D. Correct

No paper left in the room after candidate interview Correct

Were any Firefighters in uniform? All were in Class A Uniform

Your Chief sent you? Correct

Does NB mirror EH? Yes

When examining a candidate is it usual that if a major point is missing from the candidates answer to a question, it creates a negative score or impression? Yes Captain Berry volunteered that there was no critical failures in this case. Critical failures as the term suggests would have a severe impact on the score of the candidate.

Do some Panel members not make notes? Yes. Then only score goes in. Panel was made up of very senior firefighters. No one new to the game.

Averaging done by Godfred Ansah, Ph.D.? Yes.

More questions to Captain Berry:

Atty. Chester – Rating Scale and Instructions given prior to the start? Yes

Scoring 1-10

Atty. Janus – Objection, implies incorrect information

Capt. Berry – Lowest score would be 4.
Yes

Atty. Janus – Did candidates identify themselves?

Mr. Povinelli – Interviews were ½ hour?

Less than.

Mr. Povinelli – No dialogue allowed, no follow-up questions for candidates?

Correct We asked the question and whatever the candidate said was the answer. If it seemed that the candidate was done we would say are you done and then ask the next question.

Chairman Jones – have you seen this failure rate in other panels?

Seen it across the board. This is not out of the ordinary.

Mr. Povinelli – Do others have 1-10 scoring.

Do not recall. Each is different.

8) Atty. Janus – Objection to including the Firefighter who passed in group of Appellants still stands.

9) Chairman Jones – Break at 7:20, return at 7:30.

10) Chairman Jones – Thank you to all the non-appellants Firefighters at the meeting. Thank you everyone, including Captain Berry.

11) Interviewing Appellants:

Attorney Chester

How long employed by Town of East Hartford?

Did you pass the Lieutenants test?

How did you prepare for the Panel?

Did you do Mock Oral Panels?

Did you review your score sheet after failing exam?

How many Panel Members?

Explain Critical Failure

Did anyone tell you that there were critical failures in your test? When told ?

If 4th lowest score were removed prior to averaging, would that change the score?

Atty. Janus

You reviewed the score sheet?

You saw no definitive answer as to why you were scored as you were?

Were there notes on the sheets?

There were numerical variations?

Mr. Malave and Ms. Kyeremateng talked to you about Critical Failure?

Mr. Povinelli

Did you see raw sheets?

Not copies?

Was one examiner higher or lower than the others?

Chairman Jones

Critical Failure mentioned while reviewing?

Scoring variances:

Were there 5 questions?

Atty. Chester

Upon review, do you recall any Panel member putting 1-2-3 on your sheet?

Mr. Povinelli to

Is this score sheet one that has been used in

Steve Purcell

Sworn in by Chairman Jones

15 years

82% on written, 67% on oral, therefore, failed the test.

Read materials on reading list, on line studying.

No

Yes. Did not see a reason why I might have failed.

4, plus Godfred Ansah, Ph.D.

A point that an *Examiner* is looking for that is not addressed by the test taker.

Yes. Told by Santiago and Suzan. I was told by Santiago and Suzan when I was reviewing my test scores in the Human resources Office.

I believe so.

Yes

No

Yes. None of the scores were exactly alike.

Yes

Yes

Yes

Yes

Don't know. None of the sheets were exactly the same. None had same score.

Not sure.

Not sure how different scores were arrived at.

Yes

No

Chief Oates

Defer to HR:

the past?

Mr. Malavi – Yes, to the best of my knowledge

Ms. Kyeremateng – Yes. Same process for the last 20 years. Scoring 4 – 10

Atty. Chester

How long employed?

Joshua Recker

16 Years

Did you pass the Lieutenant test?

Passed written with 79%, Failed Oral with 67-68%

Town of East Hartford informed you that you would not be promoted?

Yes

Did you review your scores?

Yes

How did you prepare for the exam?

Read books from the reading list, reviewed Policies & Procedures, videos, mock oral boards.

Did you feel prepared for the exam?

Yes

Have you taken other promotional exams in the past?

Yes

How did that go?

Some good, some bad

Notes on sheets did not indicate why you failed?

No

Some scores higher, some lower?

Yes

If only 3 panelists, would that have changed your score?

Yes

Did you confer with those who passed?

Yes. Conversation indicated similarity of answers.

Scores of 1 – 2 or 3?

Nothing lower than 6.

Atty. Janus

Joshua Recker

Score sheet did not show what caused you to fail?

Correct.

The scores varied?

Yes.

Were you expecting them to be the same?

No

If one score was removed, your score could be higher OR lower?

Yes

Discussions with other Firefighter only after the test?

Yes.

Chairman Jones

Joshua Recker

5 questions to be answered?

Yes

First question – Tell me about yourself?

Yes

Did you wear your uniform?

Yes

Was your name badge on your uniform?

Yes

Did you receive a letter form HR telling you when and where to take the test?

Yes

Mr. Povinelli

Joshua Recker

Any time limit on answering questions?

No. Answer until done.

Was there enough time to answer?

Yes

Mr. Sousa

Joshua Recker

Was Critical Failure mentioned during your review?	No
Chairman Jones	Mr. Malave
Were panelists given instructions?	Yes
Atty. Chester	James Sopelak
How long employed?	18 years
Did you take the promotional exam in the fall?	Yes
Did you pass this test?	85% on Written, 64% on Oral
How did you prepare for the test in general?	Reading, anything related to fire service.
How did you prepare for Oral test specifically?	Same reading materials.
How do you see a 20% differences between the 2 tests?	Don't understand,.
Were you able to reconcile the score variances?	No
Chairman Jones	Ms. Kyeremateng
No score is given by mail in first letter?	Correct. Both scores are sent in the final letter.
Atty. Chester	James Sopelak
After reviewing the score sheets, knowing what you know, did it explain Oral score being 20% lower?	No
How did you prepare?	Months of reading, mock Oral Panels
Did you see any 1-2-3 score?	No
1 - 10 or 4 - 10?	Do not recall
How many examiners?	4
How many score sheets?	4
Was there a Critical Failure discussion?	No
Atty. Janus	James Sopelak
Were there notes on your score sheets?	Yes
Was there a numerical rating?	Yes
Mr. Povinelli	James Sopelak
Do you know where to improve? Mr. Povinelli opined as to the poor feedback given to the candidates who then would not be able to ascertain as to what they could do going forward to improve themselves for future examination in their chosen career.	No
Did you participate in mock oral panels?	Yes
Mr. Sousa	
Were the sheets that you reviewed photocopies or originals?	Original
Chairman Jones	
Was the handwriting legible?	Yes but it only had recorded what I said no other comments were in that section e.g.,

what the candidate said correctly or where the candidate may have lost some points. Also, as Captain Berry said was that they discussed all the scores for each answer one at a time and did not write anything down until they discussed if the scores were within the range of not exceeding two points in differences.

Mr. Sousa

Why was the LT test given at this time?

How many LT's?

Chairman Jones

Do you recall first question?

Were there 4 or 5 questions after the first?

While reviewing documentation in HR, any questions on Critical Failure?

Opportunity for Mr. LaPointe to testify.

Chief Oates

Chief maintains an active list

Currently 27, with 5 Captains.

James Sopelak

Yes

5

No

Not present. Chairman indicated that Mr. LaPointe would be given an opportunity to be heard at the next Meeting.

Atty. Chester

How long employed by Town of East Hartford?

How were you promoted to driver?

Did you pass the LT test given in the fall?

Did you study the same materials for both parts of the test?

Do these materials apply only in general, or specifically to Town of East Hartford?

Could you tell me how you got such a low Oral score?

Anything on score sheet to explain how you got 68.5%

How did you prepare?

Matthew Hannon

16 years

Testing Candidate indicated he had passed Two Lieutenant Exams in the past 5-6 years.

Passed Written 93%, failed Oral 68.5%

Yes. Materials slanted to fire suppression, emergency response safety, etc.

Both

No

No

Purchased textbooks and materials so that I could study at home. Participated in Mock Oral Panels, took a 1 day class at the Fire Academy, prepared for 6 months.

Yes

Did other Town of East Hartford Firefighters take this same class?

How many *Examiners*?

How many score sheets?

Any scores look out of whack?

How many current vacancies?

The last 2 promotional tests – how many failed?

Anything different about this one?

4

4

No

5

2-3

Wasn't sure who was who

Anyone employed by the Town of East Hartford at prior tests?

Only Suzan

Atty. Janus

Matthew Hannon

You reviewed your test sheets?

Yes

What did you find?

Could not make out how the score was achieved.

Ms. Kayser

Content of both parts of the test different or similar?

Both. Parts the same, parts different. Oral was more geared to Personnel Issues.

Atty. Chester

Reading list – Meant to prepare for both written and oral?

Yes.

No second reading list for Oral?

No

Chairman Jones

In the 2 prior tests, how many *Examiner*?

3

Could you read the notes on the sheets?

Some yes, some no.

Prior exams with 3 panel members – When?

Within last 5 years.

How many questions after the 1st question?

5

12) Next meeting scheduled for October 4, 6:00 pm. Location to be determined.

13) Motion to adjourn at 9:05 p.m. by Mr. Sousa, seconded by Ms. Kayser.

These meeting minutes were filed with the East Hartford Town Clerk's Office and the East Hartford Town Council's Office. In addition, all Board Members and Appellants were sent a copy via the United States Postal Service.

These meeting minutes were also distributed as follows:

Mayor Marcia A. Leclerc

Fire Chief John H. Oates

Finance Director, Michael Walsh

Assistant Fire Chief William Perez

Corporation Counsel Scott R. Chadwick

Acting Chief Training Officer Dave Prior

Union President Daniel Wasilewski

Union Vice-President Matthew Flor

Town Clerk Robert Pasek

Town Council Clerk Angela Attenello

Captain Michael Berry, Fire Department Spokesman, City of New Britain Fire Department