



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Torrey Townsend,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0566

Personnel Director, City of New Haven; and
City of New Haven,
Respondent(s)

May 3, 2017

Transmittal of Proposed Final Decision Dated April 28, 2017

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision dated April 28, 2017, prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, May 24, 2017**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission *on or before May 12, 2017*. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed *on or before May 12, 2017*. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed *on or before May 12, 2017* and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Torrey Townsend
Attorney Kathleen Foster

FIC# 2016-0566/Trans/wrbp/CMM/TCB/05-03-2017

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Torrey Townsend,

Complainant

against

Docket #FIC 2016-0566

Personnel Director, City of
New Haven; and City of New Haven,

Respondents

April 28, 2017

The above-captioned matter was consolidated for purposes of hearing with Docket #FIC 2016-565, Torrey Townsend v. Personnel Director, City of New Haven and City of New Haven, and was first scheduled to be heard as a contested case on September 20, 2016, at which time the complainant failed to appear. Attorney Kathleen K. Ross, who had been assigned as hearing officer issued a Report of Hearing Officer, dismissing the appeal for failure to prosecute. At the October 26, 2016 Commission meeting, at which the Report was considered, the complainant requested that the matter be reopened, and the Commission granted the complainant's request. Thereafter, Attorney Colleen M. Murphy was designated as the hearing officer for the reopened hearing. The matter was then heard on January 9, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter to the respondents dated July 26, 2016 the complainant requested a copy of "the classification plan for firefighter paramedic sent to the civil service board for approval."
3. By letter dated and filed August 5, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with her July 26, 2016 request.
4. Section 1-200(5), G.S., provides:

"Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or

contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. It is concluded that to the extent records exist that are responsive to the complainant's request, such records are public records within the meaning of §§1-205, 1-210(a), and 1-212(a), G.S.

8. In her letter of complaint and at the hearing on this matter, the complainant indicated that the respondents had provided her with some information but that it was not what she had requested.

9. It is found that on August 1, 2016, the respondent director provided the complainant via electronic mail ("email") with a copy of the job posting (Posted July 13, 2009) for "Firefighter (M-702) (Tested)" position. It is unclear whether the August 1 provision was specifically in response to the complainant's July 26, 2016 request or in response to another similar request from the complainant.

10. It is found that following the provision of the posting described in paragraph 8 above, the complainant indicated in an August 3, 2016 email to the respondent director that she was seeking the "classification plan for firefighter paramedic, and the civil service board response to the plan."

11. It is found that on August 3, 2016, respondents' attorney responded via email again to the complainant's request in this matter (as well as to several other separate requests submitted by the complainant) and informed her that "there is no classification plan for firefighter paramedic." The respondent director went on to advise the complainant that she may really want the job description for firefighter paramedic, since it may have been amended from time to time.

12. It is found that in addition to the provision of the job posting on August 1, 2016, as described in paragraph 9, above, the respondents provided both the job posting and description to

the complainant previously, in response to similar earlier requests from the complainant, including in November 2015.

13. However, it is found that in response to the email from the respondents' attorney described in paragraph 11 above, the complainant replied via email that her request was still outstanding, and that she wanted the respondent personnel director's "official documentation" for "classification code 702- firefighter which now seem to have interchangeable titles and codes, which is firefighter paramedic 704 as of 2013."

14. It is found that the City of New Haven's "classification plan" is the total compilation of all of the individual job descriptions for all jobs that are active and inactive in the City's classified service.

15. It is found that the Human Resources Manager for the City of New Haven responded to the complainant's August 3, 2016 email described in paragraph 13 above, and stated that there were no additional documents responsive to her request. He explained that there is a single job description for firefighter within the City of New Haven's classification plan that covers a number of positions, including firefighter paramedic; he indicated that they are not separate jobs but that they represent steps along a pay scale for the firefighter position. With regard to firefighter paramedic, he stated that there is a requirement for an additional certification, but that it still falls within the one job description.

16. It is therefore found that: the respondents have provided all of the records they believed might be helpful or responsive to the complainant, in connection with her July 26, 2016 request in this matter; and that there is no "classification plan" or other "official documentation" for firefighter or firefighter paramedic, despite the complainant's beliefs that such records must or should exist.

17. It is concluded therefore that the respondents did not violate the FOI Act as alleged.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.


Attorney Colleen M. Murphy
as Hearing Officer