

May 10, 2010

The Testing and Recruiting Committee of the Board of Fire and Police Commissioners was held on the above date, commencing at 3:10 P.M. in Room 405 of City Hall.

PRESENT: Commissioners: Paoli X. Lor, Chair
Richard C. Cox

ALSO PRESENT: David Heard, Community Relations Manager (FPC)
Maria Monteagudo, Director, Department of Employee Relations (DER)
Sally McAttee, Human Resources Manager (DER)
Marti Cargile, Human Resources Representative (DER)
Kristin Kappelman, Research & Policy Analyst (FPC)
Daniel Holton, Battalion Chief, Milwaukee Fire Department (MFD)
Judy Pal, Chief of Staff, Milwaukee Police Department (MPD)
Val Williams, Personnel Administrator (MPD)
Michael Schmitz, Sergeant (MPD)
Sue Schlegel, Detective (MPD)

Judy Pal presented a letter dated May 6, 2010 from Chief Flynn requesting polygraphs be added as part of the testing process for Police Officer and Police Aide candidates. Sgt. Schmitz explained the polygraph process. The polygraph is not a simple pass/fail test. The exam will result in the following responses: significant, not significant, and inconclusive. The test will illicit self-admissions and compels people to admit to behaviors and issues in their background that may not become known through the current background investigation. This is to be used as a tool in the background process, not a sole reason to disqualify someone. The testing process itself includes a pre-interview, the polygraph test, and a post-interview. An applicant can refuse to take the exam, but refusal is a rare occurrence. All disclosures will be made to applicants in an overt and transparent way. The background investigator will play a limited role in this process to eliminate any undue influence. The Background Investigator Supervisor (BIS) under the supervision of the Personnel Administrator will provide consistency in the process. The BIS will maintain custody of the confidential results and make decisions regarding investigative strategies. If a retest is necessary the BIS will make a determination with the approval of the Personnel Administrator. Self-admissions will be a significant product of adding the polygraph to the background process. A system is already in place for handling self-admissions during a background investigation interviews. The proposal is to handle self-admissions during a polygraph the same way as self-admissions during the background interview. The polygraphist will report any self-admissions to the background investigation section. Adjustments will need to be made to the Personal History Questionnaire (PHQ) to include questions related to criminal convictions, violence, and discriminatory behavior. The matrix would also need to be changed to assess points for these behaviors. David Heard asked what happens when an applicant has a significant response. Sgt. Schmitz responded that the applicant will be questioned more thoroughly by the polygraphist. Ms. Pal stated the entire polygraph process takes several hours, and questions are crafted to prevent false-positives. During the post-interview the applicant will have a chance to explain significant responses to the polygraphist. Commissioner Cox asked if the City Attorney has reviewed the proposed process. Maria Monteagudo stated the City Attorney has not reviewed the new process. A previous opinion was given over a year ago that stated it was not beneficial to give polygraphs given the strict guidelines of state law. Commissioner Cox stated he has a lot of questions and concerns given the previous opinion. He would like a new City Attorney opinion regarding the new polygraph proposal before a decision is made. Ms. Pal stated Chief Flynn is still on board for the use of polygraphs. Commissioner Cox stated the current process is a result of litigation and the whole process should be looked at before changes are made. Commissioner Lor asked if criminal convictions, violence, and discriminatory behavior could be added to the PHQ. Sally McAttee responded yes, but it would affect the matrix. The Department of Employee Relations (DER) is concerned about that polygraph for several reasons including validity studies regarding use for employment, the number of false-positives, and the counter measures people can take to throw off the

results. Also adding the polygraph may make the process unfair because it is not mandatory, so not everyone will take it. That could result in lawsuits by people who fail the polygraph or who fail the background and believe it is because they did not take the polygraph. It is also very expensive and time consuming, compared to any gain the City might have. Ms. McAttee believes the job announcement bulletin should include the polygraph if it is being considered. Commissioner Cox reiterated he wants to expedite the process, not tie it up in litigation. He also stated the quality of the examiner plays a large role in the exam as well. Ms. Monteagudo stated it may be a deterrent to applicants if they see a polygraph on the announcement, but in the interest of transparency, all testing components should be on the announcement. Commissioner Lor stated her concerns are the legal aspects, the cost and time, and how it will affect the recruiting and hiring process. Sgt. Schmitz agreed that a City Attorney opinion is needed regarding the proposed polygraph process, but he believes after reading the previous opinion, the biggest areas of concern are that a person is not required to take a polygraph and that the results must be substantiated. Through his research he found that those concerns were not a hindrance and felt there was value to pre-employment polygraphs. Ms. Monteagudo stated she wants to give the Milwaukee Police Department (MPD) significant areas where there is concern and have those concerns addressed. There is a meeting scheduled tomorrow with DER and MPD regarding the polygraphs. Commissioner Cox suggested adding the wording "a polygraph may be given" to the announcement bulletin.

Ms. McAttee presented a draft of the Police Officer job announcement bulletin. The MPD branding campaign language has been added, as well as the benefits offered to city employees. The issue of decertification regarding 60 college credits has been clarified. Applicants are also being encouraged to apply online, but it is not required. This will no longer be a continuous recruitment, but periodic. The downside of continuous recruitment is the accumulation of applications; the new process should be more efficient. Medical standards, including vision and hearing, will also be included on the bulletin. The knowledge, skills, and abilities will also be revised to include everything that is tested for.

Ms. McAttee stated more emphasis will be put on the background briefings. This is a change due to the number of candidates who fail the background investigation because of untruthfulness. During the physical ability test (PAT), every hour on the hour, MPD will be playing a video of a background briefing presentation. There will also be more PAT practice opportunities to increase the pass rate. The second opportunity to practice the PAT will be closer to the time the actual PAT is given.

Ms. McAttee explained the change in the time the eligible list is presented to the FPC Board. Currently the eligible list is presented to the Board only after candidates have completed the written test. The eligible list will now be presented to the Board for adoption after candidates have passed all testing components with the exception of the background investigation, psychological test, medical examination, and drug screening. Candidates will participate in remaining examination components in groups based on the written test ranking. Commissioner Cox asked for clarification. Mr. Heard stated candidates will go through all testing components before the eligible list is adopted by the Board, because the only component that is ranked is the written test, all other components are pass/fail. There will be additional training sessions for oral board and writing sample raters.

Ms. McAttee presented the testing timeline for Police Officer. The exam will be announced on May 20th. The plan is to send current applicants a notice stating that they have to reapply because there is a new application. The application period will be open through the third week in June. The written test will be given in July and scored by EB Jacobs in August. Results will be discussed in September and a list will be developed. The PAT practices will be in September. The actual PAT and will be given in October. In November the oral exam and writing sample exercise will be given. The background investigation will also begin in November. The oral exams and writing samples results will be received in December. The eligible list will be presented to the FPC Board in January. Recommendations from the Applicant Review Committee and Chief will be received in April. The appeal hearings will be held in May, June, July, and into August. Medical examinations, psychological tests, and drug screens will be conducted in August. In September the appointment letters will go to the FPC Board, with a start date in

October. Commissioner Cox asked when preference points were added. Ms. Monteagudo stated preference points are added to the written test score. Ms. McAttee stated preference points do not seem to be related to how well someone does on other components.

Commissioner Cox moved approval of the minutes from the meeting of March 4, 2010, seconded by Commissioner Lor. The motion carried unanimously.

Battalion Chief Holton stated the EMT class started March 6th with nine recruits, the class will conclude May 16th. The National Registry exam will be held May 25th. Ms. McAttee stated the Candidate Physical Ability Test (CPAT) will be held May 19th and 20th at the West Allis Fire Department. Twenty-four people are registered to take the test. Background investigations have been completed and are being reviewed by a three-person panel. Decisions have been reached on about half of the candidates. The class start date is July 26th.

Ms. McAttee stated the Police Aide class of 30 recruits will start on July 26th. Fifty-two candidates are remaining in the process. There are nine in jeopardy of not meeting the 2.0 grade point average. Candidates will be scheduled for the medical and psychological exams as soon as possible.

Ms. McAttee stated the Police Officer class of 50 recruits will start on July 12th. There are 21 Police Aides who will be appointed to the class, and 54 candidates on the eligible list. Candidates will be scheduled for the medical and psychological exams this week.

The meeting concluded at 4:15 P.M.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "David L. Heard".

David L. Heard
Community Relations Manager

DLH:mk