

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Tyrone Grant,

Complainant

against

Docket #FIC 2018-0376

Manager, Human Resources Department,
City of New Haven; Human Resources
Department, City of New Haven; and
City of New Haven,

Respondents

January 9, 2019

The above-captioned matter was heard as a contested case on September 11, 2018, at which time the complainant and the respondents appeared 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. It is found that, in 1993, the complainant applied for a position as a firefighter with the respondent city, and took and passed the civil service examination for such position. It is found that the civil service commission certified a list of all candidates who passed the exam with a score of 70% or better, which list is entitled "Civil Service List 93-16 Firefighter (substitute)" (the "list"). It is found that, despite having passed the exam, the complainant was not hired as a firefighter.
3. It is found that, on or about June 14, 2018, the complainant requested copies of (a) the list; (b) minutes of the meeting at which the list was certified; and (c) the questionnaires completed by all eligible candidates on May 7, 1994.
4. By letter dated July 9, 2018, and filed with the Commission on July 13, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying the request, described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.
5. Section 1-200(5), G.S., provides:

‘[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

[e]xcept 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 . . . (3) receive a copy of such records in accordance with section 2-212.

7. It is found that the record, described in paragraph 2, above, is a public record within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that, by letter dated September 5, 2018, the respondents mailed a copy of the list to the complainant. In addition, it is found that, in the September 5th letter, the respondents informed the complainant that no other records responsive to his request existed within the city’s offices of human resources or the city’s Board of Fire Commissioners.

9. At the hearing in this matter, the complainant stated that he never received any records in response to his request, and did not receive the respondents’ September 5th letter. After reviewing a copy of the list, which the respondents provided to him at the hearing in this matter, the complainant stated that such list is not the list he was seeking, because it does not contain each applicant’s actual score on the civil service exam. The complainant also disputed the respondents’ contention that they do not maintain the other records he requested.

10. The respondent human resources manager, Stephen Librandi, testified that the list provided to the complainant is the only list the respondents maintain with respect to that civil service exam. He explained that, in the 1990s, when the list was created, the names that appeared on the list were those of candidates who had passed the civil service exam with a score of 70% or above, and that the candidates’ actual numerical score was not included on the list.¹

11. With respect to the complainant’s request for the minutes of the meeting of the civil service commission at which the list was certified, it is found that, although the respondents maintain records dating back to the year 1910, the meeting minutes for many dates are missing.

¹ Librandi further explained that, in the 1990s, an eligible candidate was chosen to be a firefighter only if such candidate was recommended by a fire commissioner. This hiring practice was challenged in at least one lawsuit, and in response, the city changed its hiring practices. Under current practice, certified civil service lists contain the numerical score each candidate achieved on the civil service exam.

It is found that, in particular, there are many minutes missing from the 1990s. It is found that the respondents conducted a thorough search for the minutes of the meeting at issue, and that the respondents were unable to locate such minutes.

12. With respect to the complainant's request for the questionnaires, it is found that such records, if they existed, would be maintained by the Board of Fire Commissioners, not by the respondent human resources department. Librandi testified that he contacted the city's fire chief, and requested that he conduct a search of the offices of the Board of Fire Commissioners for the questionnaires. It is found that the fire chief conducted such search and did not locate the questionnaires.

13. Although the issue of promptness was not raised by the complainant, Librandi testified that the delay in providing the records to the complainant resulted from his having a medical issue that caused him to be out of the office for two separate periods of time during the summer; he also was out of the office on vacation for another period of time. It is also found that both Librandi and the fire chief have met with the complainant on several other occasions regarding other records requests, and attempted to provide him with responsive records maintained by the city.

14. Based upon the record in this matter, it is found that the respondents promptly provided to the complainant all records they maintain that are responsive to his request.

15. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 9, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

TYRONE GRANT, 46 Elizabeth Street, New Haven, CT 06511

**MANAGER, HUMAN RESOURCES DEPARTMENT, CITY OF NEW HAVEN;
HUMAN RESOURCES DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF
NEW HAVEN**, c/o Attorney Kathleen Foster, City of New Haven, Office of Corporation
Counsel, 165 Church Street, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission