

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Torrey Townsend,

Complainant

against

Docket #FIC 2016-0566

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

Respondents

May 24, 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 9 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, the 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 24, 2017.



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:

Torrey Townsend
39 Orchard Place
New Haven, CT 06511

Personnel Director, City of New Haven; and City of New Haven
c/o Kathleen M. Foster, Esq.
Assistant Corporation Counsel
165 Church Street
Hartford, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission