



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes - Draft

FPC TESTING AND RECRUITING COMMITTEE

CHAIR: NELSON SOLER

VICE-CHAIR: ANGELA MCKENZIE

Commissioners Everett Cocroft and Steven DeVougas

VACANT- Executive Director

Program Assistant I: Elizabeth Moore (414) 286-5185

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Thursday, September 10, 2020

5:30 PM

Conference Call

This is a virtual meeting. It may be viewed on Milwaukee's City Channel Livestream at:

http://milwaukee.granicus.com/MediaPlayer.php?publish_id=2

Present: 4 - McKenzie, Cocroft, Soler, Robakowski

Excused: 1 - DeVougas

This meeting commenced at 5:33PM

The Testing and Recruiting Committee members will meet on the following items:

1. [FPC20297](#) Resolution relating to appointments to the position of Fire Cadet (25 positions).
This item was supposed to be approved the prior week. Sent to committee for review. The Milwaukee Police Department is currently conducting backgrounds. The Milwaukee Fire Department approves.

This Fire and Police Communication was HELD TO CALL OF THE CHAIR

RECESS

2. [FPC20075](#) Resolution to approve November 14, 2019 Testing and Recruiting meeting minutes

This Fire And Police Resolution was ADOPTED

Aye: 4 - McKenzie, Cocroft, Soler, and Robakowski

No: 0

Excused: 1 - DeVougas

3. [FPC20301](#)

Communication from the Office of the City Attorney relating to the use of preference points in promotional exams

Jay Silva reviewed data for Detectives, Sergeants, and Lieutenants and provided scores to the city in raw formats:

- More points added for residency, rank position changes*
- Larger group of candidates had larger rank changes*
- More change happens in the middle of the list*

Commissioner Raymond Robakowski will hold his questions until the City Attorney finishes the analysis.

Assistant City Attorney William Davidson brought up the point of can residency points be used in light of Black v City of Milwaukee. The attorney is waiting for data from Silva for Detective and make legal analysis. According to Silva, all data was turned over to the City Attorney's office on September 10, 2020 for analysis.

Acting Chief Brunson mentioned that seniority is included in the calculation. He questioned if residency will be weighted similarly.

Commissioner Everett Cocroft sees residency as "real" loyalty to the City of Milwaukee. Commissioner Angela McKenzie stated that the preference points do not mandate living in the City of Milwaukee. Commissioner Raymond Robakowski mentioned his concern to bring in top quality candidates. Commissioner Angela McKenzie ensures officers care about the city. Lastly, Commissioner Raymond Robakowski spoke about his experience where people he helped did not look at his appearances.

Acting Chief Aaron Lipski supports residency points. He mentions the continued struggle to get the numbers to reflect the community that they serve and the great need of a diverse list that produces strong candidates.

Commissioner Everett Cocroft agrees with Acting Chief Aaron Lipski's statement.

Acting Chief Aaron Lipski questioned if there was any analysis of shift in demographics.

Jay Silva stated:

African Americans and Latinos are more likely to be city residents whereas 50% of Whites reside outside of the city. Will analyze data for impact.

Commissioner Raymond Robakowski favors residency points at the beginning, not at promotion time.

Chair - There is a need for more information and time to analyze along with a legal opinion. Also based on comments made by the Executive Director, there are myriad of choices to consider. The variables will be defined for Mr. Silva to so that he can continue to do his analysis as he has indicated and stay with 3 or 4 points as discussed. In regards to the other items indicated, the committee needs to consult with both departments to see what other requirements can be included in the analysis.

This Fire and Police Communication was HELD IN COMMISSION

4. [FPC19339](#)

Resolution to review the Psychological Evaluation Process for Testing and Recruiting

Ben Roberts summarizes advisably regarding process for failed psychological test.

- 1) *Additional liability in panel approach*
- 2) *Appeal Panel, appeal to second psychologist*
- 3) *Executive Director overturns appeals*

Commissioner Raymond Robakowski is not in favor of competing opinion.

Commissioner Angela McKenzie reiterated the candidates felt disparate treatment. She is in favor of creating a panel. Commissioner Everett Cocroft agrees with Commissioner Angela McKenzie.

The chair states testing has biases in them and that candidates must have a right to appeal

The Executive Director reiterates the item has been before the commission since November 2019. The department is currently working with the Department of Employee Relations to move from the current contract to Froedert.

Acting Fire Chief Aaron Lipski supports the move to a new contract and the appeal process. Acting Police Chief Michael Brunson also supports the appeal process.

Commissioner Angela McKenzie asked Fire Chief Aaron Lipski to explain his reason as to why he is in favor of an appeal process.

Acting Fire Chief Aaron Lipski speaks on the amount of time investing in people they recruit. The psychological evaluations had disparate impact on people of color, women, and persons sexual orientation.

Chair - There is an agreement to the need of an appellate process. The committee can recommend this item to the board recognizing the need of an appellate process that will consist of everything that was stated prior which is to have one commissioner, perhaps the Executive Director or staff, and a psychologist once somebody wanted to appeal their initial psychological test. The board can put some more meat to it between here and the time the board meets in October.

Assistant City Attorney William Davidson stated his concern of lay person overruling a psychologist.

Commissioner Robakowski agrees to appellate process.

A motion was made by Commissioner Angela McKenzie, seconded by Commissioner Raymond Robakowski to approve and develop an appellate body to review the appeal of candidates from the Fire and Police Departments who failed their psychological test.

Commissioner Everett Cocroft made a friendly amendment to specifically state in the motion that there will be a commissioner, a clinical psychologist, and a executive director or a FPC staff in the body.

Commissioner Angela McKenzie denied Everett Cocroft's friendly amendment.

Roll call vote for current motion:

*Commissioner Everett Cocroft - Nay
Commissioner Angela McKenzie - Aye
Commissioner Raymond Robakowski - Aye
Chair - Aye*

Vote 3-1

The motion carries. This item will be heard at the next Fire and Police Commission meeting.

This Fire And Police Resolution was REFERRED TO to the FIRE AND POLICE COMMISSION due back on 11/19/2020

Motion to Adjourn

This meeting adjourned at 6:40PM

In the event that members of the Fire and Police Commission who are not members of this committee attend this meeting, this meeting may also simultaneously constitute a meeting of the Fire and Police Commission or any of the following committees: Testing and Recruiting, Policies and Standards, Research, Complaints and/or Discipline. Whether a simultaneous meeting is occurring depends on whether the presence of one or more of the Fire and Police Commission members results in a quorum or negative quorum of the Fire and Police Commission or any of the above committees, and, if there is a quorum of another committee, whether any agenda items listed above involve matters within that committee's realm of authority. In the event that a simultaneous meeting is occurring, no action other than information gathering will be taken at the simultaneous meeting.

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