



# New York State Correctional Officers & Police Benevolent Association, Inc.

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July 3, 2007

George C. Sinnott, Commissioner  
NYS Civil Service Commission  
State Campus, Building 1  
Albany, NY 12239

Dear Commissioner Sinnott:

I write to voice NYSCOPBA's concerns about the proposed course of action announced by the Department of Correctional Services to deal with problems that have resulted from the recent administration of the corrections lieutenant examination. Specifically, I would like to know what steps will be taken by the Department of Civil Service to ensure that NYSCOPBA's members seeking promotion to the position of correction lieutenant are spared any unnecessary and avoidable hardship which might result from the testing problems.

As you may know, there were problems with the administration of the simulation portion of the June 16, 2007 promotional examination for the position of lieutenant with the Department of Correctional Services ("DOCS"). Enclosed for your reference is a copy of a recent DOCS memorandum advising that the simulation portion of the examination will be offered to those candidates who sat for the June 16, 2007 examination on January 12, 2008, with a goal of establishing a new eligible list by mid-March of 2008. The memorandum further advises that, pending the establishment of a new list, the current list will be extended.

It is my understanding that the current promotional list for correction lieutenant was certified by Civil Service on or about September 10, 2003. I further understand that, pursuant to Civil Service Law §56 as it is currently written, this list cannot be extended beyond four years. Accordingly, no permanent appointments could be made from the current list after September of 2007, and I can see no legal authority to extend the existing list.

We have seen how the absence of a valid promotional list has adversely impacted NYSCOPBA's members through the DOCS "temporary sergeant" appointments. We would like to ensure that NYSCOPBA's members are not similarly adversely impacted in this case. We would appreciate an explanation as to what steps will be taken by Civil Service to ensure that our members' rights are protected and the Civil Service Law is complied with throughout this process.

Very truly yours,

Larry Flanagan, Jr.  
President

Enclosure

cc: Brian Fischer, Commissioner – NYS Dept. of Correctional Services