



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
DEPARTMENT OF CIVIL SERVICE
ALFRED E. SMITH STATE OFFICE BUILDING
ALBANY, NEW YORK 12239
www.es.ny.gov

October 25, 2011

BY FAX AND MAIL

Edward J. Greene, Jr.
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Sheehan, Greene, Golderman & Jacques LLP
54 State Street, Suite 100
Albany, New York 12207

Dear Mr. Greene:

This is in response to your October 14, 2011, letter on behalf of the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA), requesting that the Department postpone the administration of Examination No. 36-560, Correction Lieutenant, from its currently scheduled date of October 29, 2011, to January 2012. You state that you believe this postponement is necessary and appropriate based upon the recent and upcoming closure of Department of Corrections and Community Supervision (DOCCS) correctional facilities, and the resulting impact of the closures on NYSCOPBA members' ability to adequately prepare for this examination.

You indicate your understanding is that approximately 53 NYSCOPBA members who are Correction Sergeants scheduled to take this examination, were, or soon will be, displaced as a result of the October 1, 2011, and December 1, 2011 facility closures. Department staff contacted DOCCS to determine the impact of the closures on Correction Sergeants and was advised that 47 Sergeants were reassigned as a result of the closures. Of those 47, 28 Sergeants chose to voluntarily reassign out of the facilities prior to their closure. These employees were reassigned on or about August 18th. Of the remaining 19 Sergeants who were reassigned on October 1, 2011, only approximately five were reassigned to correctional facilities at a significant distance from the facility from where they previously worked.

As you are aware, to help candidates prepare for the test, this Department provided a Study Guide that included the directives that will be covered or referenced in the test, general information about test formats, and sample test questions. Copies of the Study Guide were sent to all State correctional facilities the week of August 22, 2011, for distribution to candidates. This provided candidates approximately 60 days to study, twice as long as the 30 days allowed for past examinations. No concerns have been raised since such time by any candidate to this department or DOCCS regarding their ability to adequately prepare for the examination. Further, the materials the candidates are studying are the same directives they are expected to know and use in their daily work.

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There are over 800 candidates who have applied for and have been approved to take this examination. Postponement of the test date would disadvantage the overwhelming majority of these candidates who have taken time to study, disrupting their preparation, and requiring them to restudy closer to the new date.

While we sympathize with those employees who are facing personal changes, reassignments, and relocations as a result of correctional facility consolidations and closures, we do not believe the impact is significant enough to warrant postponement of this examination. Based on the timing and the extra time allotted to prepare for this examination, it does not appear that any candidates have been disadvantaged in their ability to adequately prepare for this examination. Unfortunately, in many instances, candidates have personal circumstances which may impact their ability to prepare for examinations. This Department does not grant alternate test dates or postponement of examinations on that basis. Therefore, I am unable to grant your request for a postponement of this examination.

Very truly yours,



Patricia Hite

Acting Commissioner