

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER  
77-CV-1881(JS)

-against-

NASSAU COUNTY, et al.

Defendants.

-----X

SEYBERT, District Judge:

Under the terms of the 1982 Consent Decree, entered into in the above referenced case, a written examination may be used to establish an eligible list of candidates for promotion to the rank of sergeant in the Nassau County Police Department so long as the test is shown to have no adverse impact and can be shown to be job-related. The current list was generated on August 17, 2000, with the results fo the last examination, given January 31, 1999. Under New York law, a municipal hiring authority may use a competitive civil service examination for no more than four years. As such, the current list is set to expire on August 17, 2004.

The County has represented that a new list will not be available before the current list expires and that public safety may be adversely impacted if the list is allowed to expire.

Accordingly, it is hereby ORDERED:

That Nassau County, the Nassau County Civil Service Commission, the Nassau County Commissioner of Police, and the Nassau County Police Department may continue to use the Current

List in accord with the provisions of the Consent Decree until the earlier of (1) August 17, 2005, or (2) the establishment of a new eligible list of candidates for promotion to the rank of sergeant.

It is further ORDERED that the County shall ensure that a new examination is prepared in accordance with the Consent Decree on or before December 15, 2004. The County shall report to the Court in writing on or before December 20, 2004.

It is further ORDERED that the County shall ensure that a new examination is administered on or before April 1, 2005. The examination shall not, however, be administered without allowing applicants a minimum of 90 days to prepare for the examination. The County shall report to the Court in writing on or before April 8, 2005.

No further extensions of the current list will be granted and strict compliance with the schedule set forth herein will be enforced.

SO ORDERED

/s/  
Joanna Seybert, U.S.D.J.

Dated: August 13, 2004  
Central Islip, New York

SEP 25 '95 04:22AM

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**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

## Department Notification

SUBJECT

**Sergeants Promotional Examination**

FILE

4140

NUMBER

04-193

REFERENCE DOCUMENTS

ATTENTION

**All Commands**

The Department is currently working with the Nassau County Civil Service Commission and Aon Consulting in the development of the Police Sergeants Examination.

This examination has been tentatively scheduled for the last Saturday of February 2005. The Nassau County Civil Service Commission will announce the exact date and location of the examination.

It is anticipated that study guides and applications for the examination will be available sometime during the first week of January 2005. These applications and study guides, once available, will be distributed to all Precincts and major commands throughout the Department.

Commanding Officers will bring the contents of this Notification to the attention of all members assigned to their Commands.

ISSUING AUTHORITY

Deputy Commissioner

SIGNATURE

John J. Hayken

ISSUE DATE

10/18/04

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October 20, 2004

**VIA FAX TRANSMISSION & U.S. MAIL**

James H. Lawrence, Esq.  
Commissioner of Police  
Nassau County Police Department  
1490 Franklin Avenue  
Mineola, New York 11501

Re: Sergeants Promotional Examination

Dear Commissioner Lawrence:

Enclosed is a copy of Department Notification, file No. 4140, Number 04-193, regarding the upcoming Sergeants Promotional Examination. In part, the Department Notification states the examination has been tentatively scheduled for the last Saturday of February 2005 and the study guides and applications for the examination will be available sometime during the first week of January 2005, a period of less than 60 days.

Also enclosed is United States District Court Judge Seybert's Order, dated August 13, 2004, that in part states:

The examination shall not, however, be administered without allowing applicants a minimum of 90 days to prepare for the examination.

Clearly, the time between the availability of study guides and the tentative schedule date for the administration of the examination does not comply with Judge Seybert's order.

A copy of this letter and enclosures is also being sent to the persons copied below for their appropriate attention and action.

This discrepancy should be corrected to comply with Judge Seybert's order as soon as possible.

I am requesting an official response no later than Monday, October 25, 2004, from the County, the Civil Service Commission or the appropriate official with the authority to make a determination in this matter. In the event I do not receive a response, I have been asked to advise my clients as to the rights they may assert.

Very truly yours,



HARRY GREENBERG

HG:jb  
Enclosure

cc: Hon. Joanna Seybert, U.S.D.J.  
Gary DelaRaba, Pres., PBA  
Al Unterweiser, 2<sup>nd</sup> V.P., PBA  
Anthony Cancellieri, First Deputy County Executive  
Karl Kampe, Executive Director N.C. Civil Service Commissioner  
David S. Greene, Director of Labor Relations  
Lorna B. Goodman, County Attorney  
Robert Bishop, First Deputy Commissioner of Police  
John J. Haviken, Deputy Commissioner of Police  
Judy Jacobs, Presiding Officer, Nassau County Legislature  
Peter Schmidt, Minority Leader, Nassau County Legislature  
Joseph Scannel, Chairperson, Public Safety Committee  
Nassau County Legislature