

## Attachment #1

Police Commission meeting 12/15/09

Meeting minutes – transcribed from videotape of meeting.      Written by Marc Miville

84:00 start time on videotape regarding discussion of this part of discussion about exit interviews.

J.McHugh: Why don't we have an official motion to continue on with the exit interview, based on what we just discussed using the HPD exit interview form, no later than two weeks after the notice has been given and the panel to be comprised of three people?

**84:32 D. Gagnon: That's fine. Let me add something in there. Do we...if...say we got one of these comes out terrible, for as I am sure some will. And there's things to look at. But do we also have the authority to look at that person's personnel record, to determine not by what his supervisors say, or you, or what he said. But if this thing is 'all this check through the black boxes here,' do we have the option of looking at somebody's personnel file, to see history of why...**

**85:18 Chief A.: Yes, that's why there is a commissioner on there; it's not just the department. So that to hear whether the person says - and then research and go back to the full commission - and says and relay what he did. In the past if you remember, there was the one, the one commissioner went back, gave a report to the other two commissioners and then decided if there was anything to look at, or there was, you know, any new information.**

**85:42 J. McHugh: I don't know about that, and I think that is a question that you need to pose to someone. I mean I was on another board and it was not the practice that we looked at someone else's personnel file, okay?**

**85:54 D. Gagnon: But if you don't, you can't, you don't know what the history is other than one person's word against someone else's. I guess is the only thing I am saying – you have a right obviously, to obviously look at that file. But I know what you're saying. But if there's stuff in there that somebody we should take action on or we should look into, I think you have the have the whole picture, that's all I am saying.**

**85:27 J. McHugh: But is it the job of the panel to resolve it, or only to take the input at the exit interview?**

**Chief A.: Depends on what comes up. That's the legal issue we've had in the past.**

J. McHugh: I know, but I mean it's not for the panel to go and do something...

D. Gagnon: It's not the panel, but the commissioner involved to bring it back...

J.McHugh: Bring it back to the commission, but it's not for that commissioner or whoever the designated person is, to go look at their file. I wouldn't think so, but ...

**Chief A.: There's actually two tracks, if you will. Say the employee brought up something like safety issues. You know, "Hey well while I am thinking about it, you should do something with cars." Anything along an operational issue, we would deal with, looking at is it something we can deal with, is it something that Paul can deal with, what would it take to do it, and anything personnel or other. Then I think that one commissioner would come back, report to the other two and then the full Board could look at the file together based on what was said.**

87:30 J. McHugh: And like I say, I think that is something you need to find out the answer to the question. I don't, you know, from my past experience, it was not that I was looking at somebody's personal file.

Chief A.: But see, that goes back to where we end up at the legal issue -- in the past was if the commissioner's not going to because you may have an issue...

J. McHugh: I'm not saying that you won't, I'm just saying that you need to find out the answer to the question.

**D. Gagnon: But if an employee's already gone, looking at his file doesn't taint any decisions. There is no more decisions to make as far as the Commission's concerned. But I think ... everything ... ah, I don't know, do...**

**88:10 Chief A.: Well that goes back to a comment that was made earlier. In a case by case, what if a person resigns pending termination? They've been notified that they are going to be terminated, and they up and resign prior to being terminated.**

**J. McHugh: All the more reason why you wouldn't be looking in his file.**

**Chief A.: Exactly, that's why I'm saying it's a case by case. So the question at that point, the Commission's going to already going to know what's happening with that employee. Are you going to do an exit interview with an employee that you were being asked to terminate?**

J. McHugh: Well, we'll need to clarify that!

Chief A.: But that's where it goes back to, you know, a case by case.

J. McHugh: Okay, I'll need to clarify... clarify.

D. Gagnon: But that was the decision we had, that's why we stopped.

Chief A.: That's why we stopped.

J. McHugh: Because?

D. Gagnon: Of legal advice for such reasons.

J. McHugh: For those cases, and you did it, you decided to do it across the board?

D. Gagnon: Because I think the feeling at the time was you can't pick and choose who you are going to do an exit interview with. Either everybody gets one, or nobody gets one. Because otherwise, it's not really ... is it fair?

J. McHugh: Well, I think we're going to need to inquire, if that's the question we're going to need to inquire.

## **Marc Miville – Public Input 132:46 on videotape**

I do exit interviews as part of my job as a manager. And my understanding of exit interviews is that it's not a debate. There is not a back and forth on an exit interview. You are there to listen to the employees. The exit interview is so that the department can meet with the employee to hear what the employee has to say.

J. McHugh: Exactly.

M. Miville: It's not a debate, it's not an argument.

J. McHugh: That's true.

Continued on next page >

M. Miville: And no action should be taken towards the employee, based on what they're saying. There should be no examination of their profiles, based on what their comments are as to why they left. There is no reason why the Commission would have to go into their file to see what kind of character they have to go into those kinds of comments. In my view, if that should be done, then that is a form of harassment, because now the employees are fearful of what they would say in their own exit interview, for fear that they would be... their file would be examined to see what kind of... Whether their responses would be valid or not. That's irrelevant – their opinion is all that matters there. Also, nothing here in the discussion about exit interviews implied confidentiality, and I assume that is implied.

Because we've seen in the past, as I've said way back in September, where things got leaked out that shouldn't have been, anything that's said within an exit interview process should not go further than that room – between the employee and those people.

Again, the Police Commission's view during the interview is irrelevant. It is whatever the employee has to say. "Thank you very much for your comments, we'll take it under advisement." If you want to correct anything based

on what they say, you do that on your own. You don't need to go into their files to do that.

The exit interviews are an opportunity for you to learn, not to participate in. That is my understanding of an exit interview as I conduct it. You sit and listen, and thank them for their opinion, and you sign it and move on. Thank you for your time.