

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	77 Civ. 1881 (FXA)
v.	)	
	)	
NASSAU COUNTY, et al.,	)	
	)	
Defendants.	)	
_____	)	

RESPONSES OF PLAINTIFF UNITED STATES TO
THE NASSAU COUNTY DEFENDANTS' FIRST
REQUEST FOR ADMISSION BY PLAINTIFF

Plaintiff United States hereby responds to the Nassau County Defendants' First Request for Admission by Plaintiff as follows:

REQUEST FOR ADMISSION NO. 1

A professionally acceptable job analysis has been done in this case for the job of entry level police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 1

Denied.

REQUEST FOR ADMISSION NO. 2

The Nassau County Police Officer Selection Test (hereinafter "NCPOST") produced by ETS for Nassau County is demonstrably job-related.

RESPONSE TO REQUEST FOR ADMISSION NO. 2

Denied.

REQUEST FOR ADMISSION NO. 3

The NCPOST produced by ETS for Nassau County has been professionally demonstrated to be job-related by the content validity method.

RESPONSE TO REQUEST FOR ADMISSION NO. 3

Denied.

REQUEST FOR ADMISSION NO. 4

The NCPOST produced by ETS for Nassau County has been professionally demonstrated to be job-related by the criterion validity method.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

Denied.

REQUEST FOR ADMISSION NO. 5

Each member of the twelve person Police Advisory Committee described in the validity study entitled "Nassau County, Final Report, 11/13/84" and marked as Government Exhibit 62 to the deposition of ETS (hereinafter "Nassau Validity Study") was professionally qualified to serve on it.

RESPONSE TO REQUEST FOR ADMISSION NO. 5

Plaintiff United States objects to this Request on the ground of vagueness. Nevertheless, to the extent that this Request can be read as stating that each member of the Police Advisory Committee was a professionally-qualified police officer, it is admitted. However, to the extent that this Request can be read as stating that each member of the Police Advisory Committee was qualified to perform those tasks attributed to each of them in the ETS Final Report, it is denied.

REQUEST FOR ADMISSION NO. 6

Plaintiff has not demonstrated the existence of an alternative selection procedure for the Nassau County entry level police officer job which has (a) at least as much evidence supporting its job-relatedness, and (b) less adverse impact upon either black or hispanic candidates at a statistical significance of P (probability) $< .05$.

RESPONSE TO REQUEST FOR ADMISSION NO. 6

It is admitted that plaintiff United States has not yet made such demonstration, nor has it been asked by defendant Nassau County to make such demonstration. Further, pursuant to Section 3B of the Uniform Guidelines, it is the responsibility of Nassau County to have undertaken:

... an investigation of suitable alternative selection procedures and suitable alternative methods of using the selection procedure which have as little adverse impact as possible, to determine the appropriateness of using or validating them in accord with these guidelines.

Lastly, defendant Nassau County has no evidence demonstrating the job-relatedness of the NCPOST, and plaintiff United States has knowledge of numerous entry-level police officer selection tests which have far less adverse impact upon blacks and hispanics than the NCPOST.

REQUEST FOR ADMISSION NO. 7

Plaintiff is unaware of the existence of an alternative selection procedure for the Nassau County entry level police officer job which has (a) at least as much evidence supporting its job-relatedness, and (b) less adverse impact upon either black or hispanic candidates at a statistical significance of P (probability) $< .05$.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Denied. Defendant Nassau County has no evidence demonstrating the job-relatedness of the NCPOST, and plaintiff United States is unaware of any entry-level police officer selection test which has as much adverse impact upon blacks and hispanics as the NCPOST. Further, as stated supra, it is Nassau County's obligation, under Section 3B of the Uniform Guidelines, to have conducted an investigation of a suitable alternative selection procedure having less adverse impact.

REQUEST FOR ADMISSION NO. 8

To the best of plaintiff's knowledge, the Nassau County defendant had not been shown the existence of an alternative selection procedure for the Nassau County entry level police officer job which has (a) as much evidence supporting its job-relatedness, and (b) less adverse impact upon either black or hispanic candidates at a statistically significant level.

RESPONSE TO REQUEST FOR ADMISSION NO. 8

Plaintiff United States can neither admit nor deny this Request, because it has no way of knowing what alternative selection procedures are known to Nassau County and/or its counsel.

REQUEST FOR ADMISSION NO. 9

Numerical differences which are not statistically significant at the .05 level of confidence or greater are not of evidentiary value.

RESPONSE TO REQUEST FOR ADMISSION NO. 9

Plaintiff United States objects to this Request on the ground of vagueness. Nevertheless, to the extent that this

Request can be read as stating that a correlation coefficient between a predictor and criterion measure must have a level of confidence of at least .05 in order to be considered statistically significant, it is admitted.

REQUEST FOR ADMISSION NO. 10

The entry level police officer test produced by ETS for Nassau County was: (a) professionally developed; (b) developed by persons and an organization professionally qualified to do so; and (c) validated by persons and an organization professionally qualified to do so.

RESPONSE TO REQUEST FOR ADMISSION NO. 10

- a. Denied.
- b. Denied.
- c. Denied.

REQUEST FOR ADMISSION NO. 11

ETS is non-profit organization headquartered in Princeton, New Jersey.

RESPONSE TO REQUEST FOR ADMISSION NO. 11

Admitted.

REQUEST FOR ADMISSION NO. 12

In or about April 1982, at the U.S. Department of Justice and in the presence of Hon. William Bradford Reynolds, Hon. Thomas Gulotta and others, the Nassau County defendants' representatives requested that plaintiff's counsel identify any valid selection procedure for entry level police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 12

Admitted.

REQUEST FOR ADMISSION NO. 13

In or about April 1982, at the U.S. Department of Justice and in the presence of Hon. William Bradford Reynolds, Hon. Thomas Gulotta and others, on receipt of the request by the

Nassau County defendants' representatives for identification of any valid selection procedure for entry level police officer, plaintiff's counsel declined to identify any such selection procedure.

RESPONSE TO REQUEST FOR ADMISSION NO. 13

Admitted. It has been and remains the policy of the Department of Justice to not recommend to an employer a particular selection device. This policy is consistent with both the Uniform Guidelines and the APA's Standards, which places responsibility for the use of a selection device upon the employer which uses it.

REQUEST FOR ADMISSION NO. 14

The Nassau County Validity Study satisfies the relevant provisions of section 14(A) of the Uniform Guidelines on Employee Selection Procedures (hereinafter "Uniform Guidelines").

RESPONSE TO REQUEST FOR ADMISSION NO. 14

Plaintiff United States objects to this Request, on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14(A) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent that this Request can be read as stating that the job analysis undertaken by ETS was adequate for the purposes of its content validity study, it is denied.

REQUEST FOR ADMISSION NO. 15

The Nassau County Validity Study is based upon a review of information, including a job analysis about the job for which the NCPOST is to be used.

RESPONSE TO REQUEST FOR ADMISSION NO. 15

Denied.

REQUEST FOR ADMISSION NO. 16

The method of job analysis in the Nassau County Validity Study provided information about the job of Nassau County police officer which was sufficient in quality and quantity to permit a content validation strategy.

RESPONSE TO REQUEST FOR ADMISSION NO. 16

Denied.

REQUEST FOR ADMISSION NO. 17

The method of job analysis in the Nassau County Validity Study provided information about the job of Nassau County police officer sufficient in quality and quantity to permit a criterion-related validation strategy.

RESPONSE TO REQUEST FOR ADMISSION NO. 17

Admitted.

REQUEST FOR ADMISSION NO. 18

The Nassau County Validity Study satisfies the relevant provisions of section 14(B)(1) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 18

Plaintiff United States objects to this Request, on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14(B)(1) of the Uniform Guidelines Nassau County deems "relevant" Nevertheless, to the extent that this Request can be read as stating that it was technically feasible for Nassau County to use a criterion-related validity strategy to attempt to validate the NCPOST, it is admitted.

REQUEST FOR ADMISSION NO. 19

It was technically feasible to use a criterion-related strategy to validate the NCPOST.

nothing in ETS' Report which indicates that the issue of bias was considered.

REQUEST FOR ADMISSION NO. 23

Plaintiff has no admissible and credible evidence of any bias in the application of any of the criterion measures used in the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION NO. 23

Admitted. However, pursuant to Section 14B(2) of the Uniform Guidelines, it is the responsibility of Nassau County to consider the possibility of bias in the application of the criterion measures. Plaintiff United States has no way of determining whether there was bias in the application of the supervisory ratings and WKT criteria, because records linking those criteria - as well as NCPOST scores - to individual members of the incumbent sample were destroyed by ETS. Similarly, ETS did not maintain the scores of all persons in the academy sample who took the NCPOST, so plaintiff United States is unable to match each person in the academy sample who took the NCPOST with his or her score on the academy criterion measures.

REQUEST FOR ADMISSION NO. 24

All criterion measures used in the Nassau County Validity Study are relevant to the job of Nassau County police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 24

Denied.

REQUEST FOR ADMISSION NO. 25

Plaintiff has no admissible and credible evidence any factor present in the Nassau County Validity Study which unfairly altered criterion scores for members of any racial, ethnic or sex group.

RESPONSE TO REQUEST FOR ADMISSION NO. 25

Admitted, subject to the insertion of the word "of" following the word "evidence" in the first line of this Request. In this regard, however, plaintiff United States notes that white males constituted ninety-seven percent (97%) of the incumbent sample. Further, plaintiff United States has no way of determining whether the criterion scores of any members of the incumbent sample were unfairly altered, because records linking each member of the incumbent sample to his criterion scores were destroyed by ETS and none of the 36 superior officers deposed by the United States could identify each member of that sample he evaluated, much less how he evaluated such member.

REQUEST FOR ADMISSION NO. 26

The Nassau County Validity Study satisfies the relevant provisions of section 14(B)(3) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 26

Plaintiff United States objects to this Request, on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14B(3) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 27

Plaintiff has no admissible and credible evidence of scores on the NCPOST or any other selection procedure being considered by a supervisor when rating the performance of a police officer on the graphic rating scale developed by ETS.

RESPONSE TO REQUEST FOR ADMISSION NO. 27

Admitted. In this regard, however, plaintiff United States has no way of determining whether any supervisors considered scores on the NCPOST or any other selection procedure in rating the performance of members of the incumbent sample, because records linking the performance evaluations made by each supervisor to those members of the incumbent sample he evaluated were destroyed by ETS and none of the 36 supervisors deposed by the United States could identify each member of that sample he evaluated, much less how he evaluated such member. ETS' own data, however, reflects that the performance ratings made by those supervisors labelled "Rater 1" differ markedly from those performance ratings made by those supervisors who ETS labelled "Rater 2", and that the predictor-criterion measures correlation coefficients for Rater 1 and Rater 2, respectively, differ markedly.

REQUEST FOR ADMISSION NO. 28

The performance dimensions included in the graphic rating scale developed by ETS represent important work behaviors.

RESPONSE TO REQUEST FOR ADMISSION NO. 28

Plaintiff United States does not know what is meant by the term "performance dimensions" as used in this Request. Nevertheless, to the extent that the term "performance dimensions" refers to the 35 task statements set forth in the graphic rating scale, it is admitted that these tasks statements represent work behaviors which have varying degrees of importance.

REQUEST FOR ADMISSION NO. 29

The content of the training given to Nassau County police recruits at the Nassau County Police Academy is relevant to the performance of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 29

Denied.

REQUEST FOR ADMISSION NO. 30

The content of the training given to Nassau County police recruits at the Nassau County Police Academy is a prerequisite to successful performance of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 30

Denied.

REQUEST FOR ADMISSION NO. 31

The degree of success of recruit training at the Nassau County Police Academy is properly measured.

RESPONSE TO REQUEST FOR ADMISSION NO. 31

Plaintiff United States objects to this Request on the grounds that defendant Nassau County does not define, and hence the United States does not know, either what is meant by the term "degree of success" or what is meant by the term "properly measured." Further, defendant Nassau County does not identify any device which may or may not "properly measure" the "degree of success." Nevertheless, to the extent that this Request can be read as stating that those criterion measures of training academy performance selected by ETS for use in its criterion-relatedly validity study involving the academy sample properly measure success in recruit training, it is denied.

REQUEST FOR ADMISSION NO. 32

The paper-and-pencil tests administered by the Nassau County Police Academy as measures of relative success in training are relevant to the performance of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 32

Denied.

REQUEST FOR ADMISSION NO 33

The pencil and paper tests administered by the Nassau County Police Academy appropriately sample that which is taught at the Nassau County Police Academy.

RESPONSE TO REQUEST FOR ADMISSION NO. 33

Denied.

REQUEST FOR ADMISSION NO. 34

Plaintiff has no knowledge or information that the pencil and paper tests administered by the Nassau County Police Academy do not appropriately sample that which is taught at the Nassau County Police Academy.

RESPONSE TO REQUEST FOR ADMISSION NO. 34

Denied.

REQUEST FOR ADMISSION NO. 35

The work knowledge test developed by ETS and used by defendants as a job performance criterion measure is relevant to the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 35

Denied.

REQUEST FOR ADMISSION NO. 36

The work knowledge test developed by ETS and used by defendants as a job performance criterion measure assesses the degree a test taker possesses important job knowledges prerequisite to performance of important aspects of the job of Nassau County police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 36

Denied.

REQUEST FOR ADMISSION NO. 37

The Nassau County Validity Study satisfies the relevant provisions of section 14(B)(4) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 37

Plaintiff United States objects to this Request, on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14B(4) of the Uniform Guidelines Nassau County deems "relevant".

REQUEST FOR ADMISSION NO. 38

To the extent feasible, the samples used in the Nassau County Validity Study were representative of the candidates normally available in the relevant labor market for the job of Nassau County police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 38

Denied.

REQUEST FOR ADMISSION NO. 39

To the extent feasible, the samples used in the Nassau County Validity Study included the races, sexes and ethnic groups normally available in the relevant labor market for the job of Nassau County police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 39

Denied.

REQUEST FOR ADMISSION NO. 40

The Uniform Guidelines do not purport to require a test user, such as Nassau County, to hire applicants of a particular race, sex or ethnic group in order to conduct a criterion-related validity study.

RESPONSE TO REQUEST FOR ADMISSION NO. 40

Admitted.

REQUEST FOR ADMISSION NO. 41

Plaintiff has no knowledge of any specific knowledges or skills which are the primary focus of the NCPOST and which employees learn on the job.

RESPONSE TO REQUEST FOR ADMISSION NO. 41

Admitted. Defendant Nassau County has not conducted a job skill orientated job analysis to identify and measure what police officers learn on the job and, thus, neither Nassau County nor the United States know what NCPD police officers learn on the job.

REQUEST FOR ADMISSION NO. 42

Generally, validity coefficients obtained in a concurrent criterion-related validity study understate the true, operational validity of a valid selection procedure.

RESPONSE TO REQUEST FOR ADMISSION NO. 42

Denied.

REQUEST FOR ADMISSION NO. 43

Generally, validity coefficients obtained in a concurrent criterion-related validity study present estimates of the true, operational validity of a valid selection procedure which are less than or equal to the estimates presented by validity coefficients obtained in a predictive criterion-related validity study.

RESPONSE TO REQUEST FOR ADMISSION NO. 43

Denied.

REQUEST FOR ADMISSION NO. 44

The Nassau County Validity Study satisfies the relevant provisions of section 14(b)(5) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 44

Plaintiff United States objects to this Request, on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14B(5) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 45

Professionally acceptable statistical procedures were used in examining and computing the relationships between NCPOST scores and the criterion measures used in the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION NO. 45

Plaintiff United States objects to this Request on the ground of vagueness, since defendant Nassau County has not defined, and hence the United States does not know, what Nassau County means by the term "professionally acceptable statistical procedures." Nevertheless, to the extent that the term "professionally acceptable statistical procedures" is meant to refer to the actual application of statistical procedures, this Request is admitted. However, to the extent that the term "professionally acceptable statistical procedures" refers to the choice of design (including, but not limited to controlling for factors which could produce spurious findings or results), this Request is denied.

REQUEST FOR ADMISSION NO. 46

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension II is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 46

Denied.

REQUEST FOR ADMISSION NO. 47

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension III is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 47

Denied.

REQUEST FOR ADMISSION NO. 48

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension IV is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 48

Denied.

REQUEST FOR ADMISSION NO. 49

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension V is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 49

Denied.

REQUEST FOR ADMISSION NO. 50

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension VII is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 50

Denied.

REQUEST FOR ADMISSION NO. 51

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension IX is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 51

Denied.

REQUEST FOR ADMISSION NO. 52

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the performance of those police officers on job dimension X is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 52

Admitted.

REQUEST FOR ADMISSION NO. 53

The relationship between scores obtained by the police officers comprising the sample of job incumbents and supervisors' overall rating of the performance of the police officers is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 53

Denied.

REQUEST FOR ADMISSION NO. 54

The relationship between NCPOST scores obtained by the police officers comprising the sample of job incumbents and the scores obtained by those police officers on the work knowledge test is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 54

Admitted.

REQUEST FOR ADMISSION NO. 55

The relationship between work knowledge test scores obtained by the police officers comprising the sample of job incumbents and supervisory ratings of the police officers' job performance is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 55

Denied.

REQUEST FOR ADMISSION NO. 56

The relationship between NCPOST scores obtained by the police recruits in Nassau County Police Academy classes 82-2 through 83-3 (hereinafter "police recruits") and the grades obtained by the recruits in Emergency Medical Training is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 56

Denied.

REQUEST FOR ADMISSION NO. 57

The relationship between NCPOST scores obtained by the recruits on the Nassau County Police Academy final examination is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 57

Denied.

REQUEST FOR ADMISSION NO. 58

The relationship between NCPOST scores obtained by the recruits and the final academy grades obtained by the recruits is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 58

Denied.

REQUEST FOR ADMISSION NO. 59

The relationship between NCPOST scores obtained by the recruits and the recruits final standing is statistically significant at the .01 level of significance.

RESPONSE TO REQUEST FOR ADMISSION NO. 59

Denied.

REQUEST FOR ADMISSION NO. 60

A relationship between performance on a selection procedure and performance on a criterion measure which is statistically significant at the 0.01 level of significance means that the relationship is sufficiently high as to have a probability of no more than 1 in 100 of having occurred by chance.

RESPONSE TO REQUEST FOR ADMISSION NO. 60

Admitted.

REQUEST FOR ADMISSION NO. 61

The Nassau County Validity Study satisfies the relevant provisions of section 14(B)(6) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 61

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14B(6) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent that this Request can be read as stating that the NCPOST is appropriate for operational use, it is denied.

REQUEST FOR ADMISSION NO. 62

Plaintiff has not reviewed a job-relatedness study for a selection procedure used for selecting entry level police officers which positively, statistically significantly correlates with as many job performance criterion measures as are presented in the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION NO. 62

Denied.

REQUEST FOR ADMISSION NO. 63

Plaintiff has not reviewed a job-relatedness study for a selection procedure used for selecting entry level police officers in which the magnitude of the correlation coefficients between the selection procedure and job performance criterion measures is as great as is presented in the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION NO. 63

Denied.

REQUEST FOR ADMISSION NO. 64

The Nassau County Validity Study satisfies the relevant provisions of section 14(B)(7) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 64

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14B(7) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent that this Request can be read as stating that ETS has not overstated its validity findings with respect to the NCPOST, it is denied.

REQUEST FOR ADMISSION NO. 65

The Nassau County Validity Study satisfies the relevant provisions of section 14B(8) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 65

Plaintiff United States objects to this Request, and hence the United States does not know, on the ground that defendant Nassau County has not identified which provisions of Section 14B(8) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 66

For a study of NCPOST fairness to be technically feasible, there must be an adequate sample of persons in each racial, ethnic or sex group to be studied and the samples for each group must be comparable in terms of job performed, job tenure and assignment.

RESPONSE TO REQUEST FOR ADMISSION NO. 66

It is admitted that for a study of NCPOST fairness to be technically feasible:

...the samples for each group should be comparable in terms of the actual job they perform, length of time on the job where time on the job is likely to affect performance, and other relevant factors likely to affect validity differences; or such factors should be included in the design of the study and their effects identified. Section 14B(8)(e)(ii) of the Uniform Guidelines.

REQUEST FOR ADMISSION NO. 67

Analysis of NCPOST fairness for blacks, hispanic and/or women was not technically feasible.

RESPONSE TO REQUEST FOR ADMISSION NO. 67

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not defined, and hence the United States does not know, what is meant by the term "fairness" as used in this Request. Nevertheless, to the extent that the term "fairness" as used in this Request is meant to be the opposite of the term "unfairness" as defined in Section 14B(8)(a) of the Uniform Guidelines, it is denied.

REQUEST FOR ADMISSION NO. 68

Plaintiff has no admissible or credible evidence of any unfairness to blacks, hispanics or women which would result from the use of NCPOST scores in descending order to select entry-level police officers for Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 68

Plaintiff United States objects to this Request, on the grounds that: the term "unfairness" as contained in this Request has not been defined by defendant Nassau County and is vague; and, in any event, it is Nassau County and not the United States which has the burden of demonstrating the validity of the NCPOST and, where technically feasible under Sec.

14B(8)(e)(ii) of the Guidelines, the fairness of the NCPOST. Nevertheless, to the extent that this Request can be read as stating that the United States has no evidence that the use of NCPOST scores in descending order to select entry-level police officers would be unfair (i.e., unlawful), it is denied. The NCPOST has a severe adverse impact upon blacks and hispanics, and has not been demonstrated to be a valid predictor of successful job performance. To the extent that this Request can be read as stating that the United States has no evidence that the use of NCPOST scores in descending order would be "unfair" to blacks or hispanics as that term is defined in Section 14B(8)(a) of the Uniform Guidelines, it is admitted. Nassau County undertook no investigation as to the fairness of the NCPOST upon blacks and hispanics pursuant to Section 14B(8) of the Uniform Guidelines and, thus, the United States is unable to make a determination with respect to that matter.

REQUEST FOR ADMISSION NO. 69

The preponderance of research evidence on the question of test "unfairness" has shown that written tests of cognitive functioning are "fair" to blacks, hispanics and women.

RESPONSE TO REQUEST FOR ADMISSION NO. 69

Plaintiff United States objects to this Request on the grounds that: the terms "preponderance of research evidence," "unfairness," "cognitive functioning" and "fair" have not been defined by defendant Nassau County and are vague; and this

Request does not concern itself with a matter which is relevant to the subject matter pending before the Court (i.e., the validity of the NCPOST for the job of police officer in the NCPD) or which appears reasonably calculated to lead to the discovery of admissible evidence, since this Request apparently is concerned with any and all written tests of "cognitive functioning" for any and all jobs.

REQUEST FOR ADMISSION NO. 70

Plaintiff has no admissible or credible evidence of the NCPOST being differentially valid for blacks, hispanics or women.

RESPONSE TO REQUEST FOR ADMISSION NO. 70

Admitted. Since Nassau County undertook no investigation as to whether the NCPOST was differentially valid for blacks, hispanics and women, the United States is unable to make a determination with respect thereto.

REQUESTION FOR ADMISSION NO. 71

The preponderance of research evidence on the issue of differential validity has shown that written tests of cognitive functioning are not differentially valid for blacks, hispanics and women.

RESPONSE TO REQUEST FOR ADMISSION NO. 71

Plaintiff United States objects to this Request on the grounds that: the terms "preponderance of research evidence" and "cognitive functioning" have not been defined by defendant Nassau County and are vague; and this Request does not concern itself with a matter which is relevant to the subject matter

pending before this Court (i.e., the validity of the NCPOST for the job of police officer in the NCPD) or which appears reasonably calculated to lead to the discovery of admissible evidence, since this Request apparently is concerned with any and all written tests of "cognitive functioning" for any and all jobs.

REQUEST FOR ADMISSION NO. 72

When sample size and restriction in the range of predictor scores in the sample are held constant, as criterion reliability decreases the magnitude of the correlation coefficient between predictor and criterion decreases.

RESPONSE TO REQUEST FOR ADMISSION NO. 72

Admitted.

REQUEST FOR ADMISSION NO. 73

When sample size and reliability are held constant, as restriction in the range of scores on the predictor increases the magnitude of the correlation coefficient between predictor and criterion decreases.

RESPONSE TO REQUEST FOR ADMISSION NO. 73

Admitted.

REQUEST FOR ADMISSION NO. 74

When sample size is held constant, as the magnitude of the correlation coefficient between predictor and criterion decreases, the probability of the coefficient being statistically significant at the level of p (probability) $<.05$ decreases.

RESPONSE TO REQUEST FOR ADMISSION NO. 74

Admitted.

REQUEST FOR ADMISSION NO. 75

It was professionally appropriate for ETS to use a content strategy to develop the NCPOST.

RESPONSE TO REQUEST FOR ADMISSION NO. 75

Denied.

REQUEST FOR ADMISSION NO. 76

It was professionally appropriate for ETS to use a content strategy to validate the NCPOST.

RESPONSE TO REQUEST FOR ADMISSION NO. 76

Denied.

REQUEST FOR ADMISSION NO. 77

The Nassau County Validity Study satisfies the relevant provisions of section 14(C)(1) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 77

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(1) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 78

A selection procedure which measures cognitive abilities may be justified by content validity if the abilities measured by the procedure can be operationally defined and the abilities are a prerequisite to successful job performance.

RESPONSE TO REQUEST FOR ADMISSION NO. 78

Plaintiff United States is unsure as to what is meant by the term "cognitive ability" as used in this Request. To the extent that what is meant by the term "cognitive ability" in this Request is "[a] present competence to perform an observable behavior or a behavior which results in an observable product" (see, Section 16A of the Uniform Guidelines) (e.g.,

ability to type, to drive an auto), it is admitted. However, to the extent that what is meant by the term "cognitive ability" in this Request is "traits or constructs, such as intelligence, aptitude, personality, commonsense, judgments, leadership, and spacial ability" (see Section 14C(1) of the Uniform Guidelines), it is denied.

REQUEST FOR ADMISSION NO. 79

Plaintiff has no admissible and credible evidence that the NCPOST does not measure any of the following cognitive abilities: (a) verbal comprehension, (b) serial recall, (c) paired associate memory, (d) spatial learning, (e) spatial orientation, (f) visualization, (g) integrative processes, (h) logical reasoning, (i) number facility, (j) visual memory and (k) flexibility of closure.

RESPONSE TO REQUEST FOR ADMISSION NO. 79

Denied.

REQUEST FOR ADMISSION NO. 80

The NCPOST measures the following cognitive abilities: (a) verbal comprehension, (b) serial recall, (c) paired associate memory, (d) spatial learning, (e) spatial orientation, (f) visualization, (g) integrative processes, (h) logical reasoning, (i) number facility, (j) visual memory and (k) flexibility of closure.

RESPONSE TO REQUEST FOR ADMISSION NO. 80

Denied.

REQUEST FOR ADMISSION NO. 81

The NCPOST does not measure cognitive abilities which an employee will normally acquire on the job.

RESPONSE TO REQUEST FOR ADMISSION NO. 81

Plaintiff United States is unable to either admit or deny this Request, since there is no evidence which demonstrates that the NCPOST in fact measures the cognitive abilities it purportedly measures, and ETS has undertaken no effort to determine whether the cognitive abilities purportedly measured by the NCPOST are or are not acquired by police officers on the job.

REQUEST FOR ADMISSION NO. 82

The Nassau County Validity Study satisfies the relevant provisions of section 14(C)(2) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 82

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(2) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 83

The job analysis performed by ETS includes an analysis of important work behaviors required for successful job performance and an analysis of their relative importance.

RESPONSE TO REQUEST FOR ADMISSION NO. 83

Admitted, subject to the deficiencies in the job analysis as set forth in plaintiff United States' answer to Interrogatory No. 1 (with respect to Request for Admission No. 2) of defendant Nassau County's accompanying First Set of Interrogatories. Further, the job analysis did not provide the basis for

the selection of cognitive abilities purportedly measured by the NCPOST, as those cognitive abilities had been pre-selected by ETS.

REQUEST FOR ADMISSION NO. 84

The job analysis performed by ETS focuses on work behaviors and the tasks associated with those work behaviors.

RESPONSE TO REQUEST FOR ADMISSION NO. 84

Denied.

REQUEST FOR ADMISSION NO. 85

The job dimensions selected for measurement by the NCPOST constitute a majority of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 85

Denied.

REQUEST FOR ADMISSION NO. 86

The Nassau County Validity Study satisfies the relevant provisions of section 14(C)(3) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 86

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(3) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 87

The Nassau County Validity Study satisfies the relevant provisions of section 14(C)(4) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 87

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(4) of the Uniform Guidelines Nassau County deems "relevant."

REQUEST FOR ADMISSION NO. 88

Plaintiff has no admissible or credible evidence that the behaviors which must be performed by a candidate to successfully complete the NCPOST are not a representative sample of the behaviors required to successfully perform the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 88

Denied.

REQUEST FOR ADMISSION NO. 89

The behaviors which a candidate must perform to successfully complete the NCPOST are a representative sample of the behaviors required to successfully perform the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 89

Denied.

REQUEST FOR ADMISSION NO. 90

The cognitive abilities measured in the NCPOST were operationally defined in terms of observable aspects of work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 90

Denied.

REQUEST FOR ADMISSION NO. 91

Plaintiff has no admissible or credible evidence that the cognitive ability of verbal comprehension is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 91

Plaintiff United States objects to this Request as well as to Request Nos. 92 through 112, infra, on the ground that it is the burden of defendant Nassau County, and not of the United States, to demonstrate: the existence of these twelve purportedly discrete constructs; that each of them is necessary for successful job performance; and that the NCPOST in fact accurately measures for each of them.

Notwithstanding this objection, plaintiff United States denies this Request as well as Request Nos. 92 through 112, infra.

REQUEST FOR ADMISSION NO. 92

Plaintiff has no admissible or credible evidence that the cognitive ability of verbal comprehension is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 92

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 93

Plaintiff has no admissible or credible evidence that the cognitive ability of serial recall is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 93

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 94

Plaintiff has no admissible or credible evidence that the cognitive ability of serial recall is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 94

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 95

Plaintiff has no admissible or credible evidence that the cognitive ability of paired associate memory is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 95

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 96

Plaintiff has no admissible or credible evidence that the cognitive ability of paired associate memory is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 96

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 97

Plaintiff has no admissible or credible evidence that the cognitive ability of spatial learning is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 97

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 98

Plaintiff has no admissible or credible evidence that the cognitive ability of spatial learning is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 98

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 99

Plaintiff has no admissible or credible evidence that the cognitive ability of spatial orientation is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 99

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 100

Plaintiff has no admissible or credible evidence that the cognitive ability of spatial orientation is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 100

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 101

Plaintiff has no admissible or credible evidence that the cognitive ability of visualization is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 101

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 102

Plaintiff has no admissible or credible evidence that the cognitive ability of visualization is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 102

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 103

Plaintiff has no admissible or credible evidence that the cognitive ability of integrative processes is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 103

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 104

Plaintiff has no admissible or credible evidence that the cognitive ability of integrative processes is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 104

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 105

Plaintiff has no admissible or credible evidence that the cognitive ability of logical reasoning is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 105

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 106

Plaintiff has no admissible or credible evidence that the cognitive ability of logical reasoning is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 106

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 107

Plaintiff has no admissible or credible evidence that the cognitive ability of number facility is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 107

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 108

Plaintiff has no admissible or credible evidence that the cognitive ability of number facility is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 108

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 109

Plaintiff has no admissible or credible evidence that the cognitive ability of visual memory is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 109

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 110

Plaintiff has no admissible or credible evidence that the cognitive ability of visual memory is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 110

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 111

Plaintiff has no admissible or credible evidence that the cognitive ability of flexibility of closure is not prerequisite to performing important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 111

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 112

Plaintiff has no admissible or credible evidence that the cognitive ability of flexibility of closure is not prerequisite to learning to perform important work behaviors of the job of police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 112

Please refer to the Response to Request No. 91, supra.

REQUEST FOR ADMISSION NO. 113

The NCPOST reasonably approximates observable work behaviors performed by a police officer in Nassau County.

RESPONSE TO REQUEST FOR ADMISSION NO. 113

Denied.

REQUEST FOR ADMISSION NO. 114

The Nassau County Validity Study satisfies the relevant provisions of section 14(C) (5) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 114

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(5) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent to that this request can be read as stating that the reliability of the NCPOST selection procedure was a matter of concern to ETS, it is denied.

REQUEST FOR ADMISSION NO. 115

Coefficient alpha is an appropriate statistical procedure for computing the reliability of scores on the NCPOST in the applicant population.

RESPONSE TO REQUEST FOR ADMISSION NO. 115

Denied.

REQUEST FOR ADMISSION NO. 116

The reliability of scores on the NCPOST in the applicant population, computed using coefficient alpha is .94.

RESPONSE TO REQUEST FOR ADMISSION NO. 116

Denied.

REQUEST FOR ADMISSION NO. 117

The provisions of section 14(C)(6) of the Uniform Guidelines do not apply to the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION NO. 117

Denied.

REQUEST FOR ADMISSION NO. 118

The provisions of section 14(C)(6) of the Uniform Guidelines do not apply to any issues presented in this case.

RESPONSE TO REQUEST FOR ADMISSION NO. 118

Denied.

REQUEST FOR ADMISSION NO. 119

The provisions of section 14(C)(7) of the Uniform Guidelines do not apply to the Nassau County Validity Study.

RESPONSE TO REQUEST FOR ADMISSION 119

Denied.

REQUEST FOR ADMISSION NO. 120

The provisions of section 14(C)(7) of the Uniform Guidelines do not apply to any issues present in this case.

RESPONSE TO REQUEST FOR ADMISSION NO. 120

Denied.

REQUEST FOR ADMISSION NO. 121

The Nassau County Validity Study satisfied the relevant provisions of section 14(C)(8) of the Uniform Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 121

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14C(7) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent that this Request can be read as stating that the operational use of the NCPOST is justified on the basis of the content validity portion of ETS's validity study, it is denied.

REQUEST FOR ADMISSION NO. 122

Statistically significant correlations between scores on a selection procedure and on a performance criterion measures demonstrate that a higher score on a selection procedure is likely to result in better job performance as measured by that criterion.

RESPONSE TO REQUEST FOR ADMISSION NO. 122

Denied.

REQUEST FOR ADMISSION NO. 123

The criterion-related validity evidence presented in the Nassau County Validity Study demonstrates that higher scoring candidates on the NCPOST are likely to be better performers of the job of Nassau County police officer.

RESPONSE TO REQUEST FOR ADMISSION NO. 123

Denied.

RESPONSE TO REQUEST FOR ADMISSION NO. 124

Plaintiff United States objects to this Request on the ground that defendant Nassau County has not identified, and hence the United States does not know, which provisions of Section 14(C)(9) of the Uniform Guidelines Nassau County deems "relevant." Nevertheless, to the extent that this Request can be read to state that Nassau County is justified in using the NCPOST as a ranking device on the basis of the content validity portion of ETS' validity study, it is denied.

REQUEST FOR ADMISSION NO. 125

The preponderance of research evidence has shown that scores on tests of cognitive functioning are linearly related to measures of job performance.

RESPONSE TO REQUEST FOR ADMISSION NO. 125

Plaintiff United States objects to this Request on the grounds that: the term "preponderance of research evidence" as used in this Request is too vague to enable the United States to respond; the term "tests of cognitive functioning" as used in this Request has not been defined, and the United States does not know what is meant by that term as used in this Request; and this Request does not concern itself with a matter which is relevant to the subject matter pending before the Court (i.e., the validity of the NCPOST for the job of police officer in the NCPD) or which appears reasonably calculated to lead to the discovery of admissible evidence, since this

Request apparently is concerned with any and all written tests of "cognitive functioning" for any and all jobs.

REQUEST FOR ADMISSION NO. 126

Plaintiff has no admissible or credible evidence of any substantial empirical support for the proposition that there is a threshold level of score on a test of cognitive functioning below which job performance decreases as test score decreases, but above which job performance does not increase as test score increases.

RESPONSE TO REQUEST FOR ADMISSION NO. 126

Plaintiff United States objects to this Request on the grounds that: the term "substantial empirical support" as used in this Request is too vague to enable the United States to respond; the term "tests of cognitive functioning" as used in this Request has not been defined and the United States does not know what is meant by that term as used in this Request; and this Request does not concern itself with a matter which is relevant to the subject matter pending before the Court (i.e., the validity of the NCPOST for the job of police officer in the NCPD) or which appears reasonably calculated to lead to the discovery of admissible evidence, since this Request apparently is concerned with any and all tests of "cognitive functioning" for any and all jobs.

REQUEST FOR ADMISSION NO. 127

Plaintiff has no admissible or credible evidence that the predictor-criterion relationships described by the statistically significant validity coefficients reported in the Nassau County Validity Study are not linear.

RESPONSE TO REQUEST FOR ADMISSION NO. 127

Admitted, for those predictor-criterion relationships which in fact are statistically significant and which are not the result of chance random deviations from zero.

REQUEST FOR ADMISSION NO. 128

The predictor-criterion relationships described by the statistically significant validity coefficients reported in the Nassau County Validity Study are linear.

RESPONSE TO REQUEST FOR ADMISSION NO. 128

Denied.

REQUEST FOR ADMISSION NO. 129

Defendants have presented sufficient evidence of the validity of the 1983 NCPOST to justify its operational use as a ranking device to select for the position of entry level Nassau County Police officers.

RESPONSE TO REQUEST FOR ADMISSION NO. 129

Denied.



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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	77 Civ. 1881 (FXA)
NASSAU COUNTY, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

City of Washington	)	
	)	ss.
District of Columbia	)	

AFFIDAVIT OF JOHN M. GADZICHOWSKI

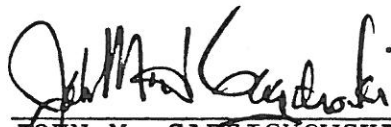
I, JOHN M. GADZICHOWSKI, being first duly sworn, hereby
depose and state that:

1. I am employed by the United States Department of
Justice, Washington, D.C., as a Senior Trial Attorney in the
Department's Civil Rights Division, Employment Litigation
Section.

2. As a Senior Trial Attorney in the Employment Litiga-
tion Section, I have lead responsibility for representing the
United States in United States v. Nassau County, et al., Civil
Action No. 77-CV-1881, an action brought by the Attorney
General under Title VII of the Civil Rights Act of 1964, as
amended, against the Nassau County defendants alleging
employment practices that unlawfully discriminate against

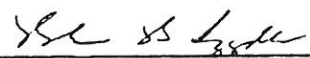
blacks, hispanics and females with respect to job opportunities in the Nassau County Police Department.

3. The foregoing Responses of Plaintiff United States to the Nassau County Defendants' First Request for Admission by Plaintiff, served May 3, 1985, is true and accurate to the best of my knowledge.



JOHN M. GADZICHOWSKI
Senior Trial Attorney
Civil Rights Division
Department of Justice
Washington, D.C. 20530

Sworn and subscribed to before
me this undersigned authority on
this 22^d day of May, 1985, to
certify which witness my hand
and seal of office



NOTARY PUBLIC

My Commission Expires March 14, 1990

CERTIFICATE OF SERVICE

I, JOHN M. GADZICHOWSKI, hereby certify that on the 22nd day of May, 1985, I served copies of the foregoing Responses of Plaintiff United States to the Nassau County Defendants' First Request for Admission by Plaintiff, by Federal Express, upon each of the following counsel:

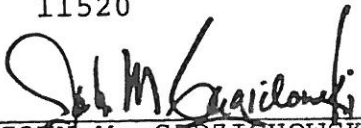
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