



STATE OF NEW JERSEY

In the Matter of Nicholas Grella and
Ralph Turre, County Correction
Captain (PC2514T), Bergen County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-4456 and
2016-4476

Examination Appeal

ISSUED: DEC 07 2016 (JH)

Nicholas Grella and Ralph Turre appeal the promotional examination for County Correction Captain (PC2514T), Bergen County. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 12, 2016 and consisted of 65 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A and Booklet B. Booklet A contained stimulus material and Booklet B contained the exam questions.

In addressing challenges to the scoring key, only arguments and contentions as they relate to disputed issues will be reviewed herein. An independent review of the issues presented under appeal has resulted in the following findings:

Question 21 asks, according to *N.J.A.C. 10A:31-8.19*, which is considered a less lethal means of deadly force. The keyed response is option c, The use of a "chemical agent." Messrs. Grella and Turre argue that option b, "firearm with rubber bullets," is correct. Specifically, they refer to *N.J.A.C. 10A:31-8.18(b)2* (Use of non-deadly force; when justified) which indicates that a chemical agent is considered "mechanical force." *N.J.A.C. 10A:31-8.19* (Deadly force; when justified and when restricted) provides that the discharge of any projectile from a firearm is considered to be deadly force, including **less lethal means** such as, but not limited to, bean bag (BB) ammunition or **rubber bullets**. Upon review of this item during the appeal process, the Division of Test Development and Analytics determined that this item had been

miskeyed and the key was corrected to option b, "firearm with rubber bullets," prior to the lists being issued.

Question 30 indicates that Inmate Ruiz, an illiterate Spanish speaker with no knowledge of English, was admitted to a facility where the majority of the inmates speak English. The question requires candidates to complete the following sentence, "According to *N.J.A.C. 10A:31-21.4*,¹ facility rules and regulations should be . . ." The keyed response is option d, "available in English and Spanish and an interpreter may be provided at the discretion of the Administrator." Mr. Grella asserts that option b, "available in English only, but an interpreter may be provided at the discretion of the Administrator," is the best response. In this regard, he refers to *N.J.A.C. 10A:31-21.4(c)* and argues that "the phrase 'when appropriate' does not give any indication as to when the Rules and Regulations should be printed." While the question indicates that the majority of the inmates speak English, it is not clear what language(s) the remaining inmates speak. Moreover, as noted by Mr. Grella, *N.J.A.C. 10A:31-21.4* does not clearly define the circumstances under which "where appropriate" would apply. Given this, the Division of Test Development and Analytics determined to double key this item to option b and option d, prior to the lists being issued.

For questions 31 through 60, candidates were instructed to refer to the stimulus material in Booklet A.

For question 35 since Mr. Turre selected the keyed response, his appeal of this item is moot.

Question 43 indicates that you are having lunch with Lieutenant Gonzales when she confides in you that she feels sexually harassed by Captain Giles. She tells you that she doesn't want to get him in trouble and that she's only speaking to you as her friend and does not want you to tell anyone. The question presents candidates with three actions and asks how you should handle this situation. The keyed response, option c, included statement III, "Advise Lieutenant Gonzales that to report the situation to Human Resources." Mr. Turre asserts that "Human Resources is not used in the Public Sector of Law Enforcement. Human Resources is not mentioned in the State or County policy regarding Workplace Harassment . . . I figured that the

¹ *N.J.A.C. 10A:31-21.4* (Adult county correctional facility rules and regulations) provides:

- (a) all inmates shall be provided with a copy of the facility's rules and regulations which shall be verbally explained by a staff member to inmates who are illiterate, not sufficiently conversant with the English language, or otherwise unable to read or understand due to a physical/medical inability . . .
- (c) The rules and regulations shall be available in English and Spanish, where appropriate.
- (d) An interpreter may be provided at the discretion of the adult county correctional facility Administrator.

Human Resources segment in the answer stem made it incorrect. The harassment complaints are reported to a supervisor, or the Internal Affairs Division (The Office of Professional Standards), or the Personnel Director on a County Level.” In support of his appeal, he provides additional documentation including, County of Bergen Anti-Harassment and Anti-Discrimination Policy (Amended February 2014) and Bergen County Sheriff’s Office General Order GO 08-1.69 (Effective December 1, 2009): Harassment in the Workplace. It is noted that Mr. Turre does not explain the distinction, except for nomenclature, between Personnel and Human Resources. In addition, candidates were not instructed to refer to the policies and procedures of their facilities or jurisdiction. Furthermore, the SMEs determined that a situation involving harassment must be reported to Human Resources. As such, the question is correct as keyed.

Question 59 indicates that while on your shift you observe CO Perez and Inmate Boyega talking and laughing. You ask CO Metz if she knows what the two are talking about. She responds, “Oh, Perez and Boyega grew up on the same street. Boyega still lives in the house next to Perez’s mom’s place. You didn’t know that?” The question asks how you should respond to this situation. The keyed response is option b, “Inform CO Perez he should have disclosed his previous relationship with Boyega.” Mr. Grella argues that option a, “Inform CO Perez that he should be careful about looking so friendly with Boyega in front of other inmates,” is the best response. In this regard, he refers to “General Personnel Information” provided in the stimulus materials which provides, “All facility staff should let their immediate supervisor know if a member of their family or extended family has been incarcerated at Exeter Correctional Facility.” He argues that “neither neighbors nor friends are considered family or extended family.” He adds that “merely telling the officer that he should have disclosed the relationship does nothing to stop the overly friendly and potentially dangerous behavior . . .” The “Introduction” section of Booklet A informed candidates that “the material is not intended to be comprehensive or exhaustive, nor is it the sole source of answers to the situational judgment questions. The purpose of the situational judgment questions found in the examination is to measure abilities such as supervision, decision making, problem solving, etc.” In this regard, the SMEs were aware that this particular situation was not addressed in the stimulus materials. The SMEs determined that candidates should recognize the need for officers to disclose any familiarity with inmates. As such, the question is correct as keyed.

CONCLUSION

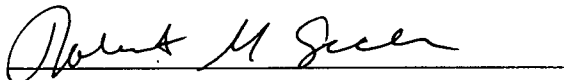
A thorough review of the appellants’ submissions and the test materials reveals that, other than the scoring changes noted above, the appellants’ examination scores are amply supported by the record, and the appellants have failed to meet their burdens of proof in this matter.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 7TH DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Nicholas Grella
Ralph Turre
Michael Johnson
Joe DeNardo
Records Center