



STATE OF NEW JERSEY

In the Matter of Daniel Bell, *et al.*,
Correctional Police Lieutenant
(PS6183I), Department of Corrections

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket Nos. 2019-562, *et al.*

Examination Appeal

ISSUED: NOVEMBER 21, 2018 (JH)

Daniel Bell, Colossain Davis, Jason Harba, Sandy Hassan, Michael Haywood, Robert Hoehman, Stanley Kabrt, Michael Kostbar, Abel Rivera and Douglas Stark appeal the examination for Correctional Police Lieutenant (PS6183I), Department of Corrections.¹ These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on July 26, 2018 and consisted of 80 multiple choice questions.

Bell, Davis, Harba, Hoehman, Rivera and Stark present that they were only provided with 30 minutes for review and they were not permitted to review their test booklets, answer sheets and the correct answer key. In addition, they argue that their ability to take notes on exam items was severely curtailed. As such, they request that any appealed item in which they selected the correct response be disregarded and that if they misidentified an item number in their appeals, their arguments be addressed.

Regarding review, it is noted that the time allotted for candidates to review is a percentage of the time allotted to take the examination. The review procedure is not designed to allow candidates to retake the examination, but rather to allow

¹ On May 1, 2018, Public Law 2017, Chapter 293 took effect, renaming Correction Lieutenant to Correctional Police Lieutenant. *See also N.J.S.A. 11A:2-11.1.*

candidates to recognize flawed questions. First, it is presumed that most of the questions are not flawed and would not require more than a cursory reading. Second, the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, knowledge of what choice a particular appellant made is not required to properly evaluate the correctness of the official scoring key. Appeals of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed.

With respect to misidentified items, to the extent that it is possible to identify the items in question, they are reviewed. It is noted that it is the responsibility of the appellant to accurately describe appealed items.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 3 indicates that an area supervisor used physical force on Inmate Evans, which resulted in serious bodily harm being inflicted upon the inmate. The question asks, based on *N.J.A.C.* 10A:3-3.7 (Reports),² in addition to writing a special report, who the area supervisor would need to immediately contact about this incident. The keyed response is option d, "His shift commander." Bell maintains that option d is gender biased and "without having 'his or her shift commander' as a choice, it was not possible to pick shift commander without being discriminatory. With choice D being the answer, it would make the test takers assume all Lieutenants are male, which is false and sexist . . . Without answer D not having 'or her,' anyone who believes in equality wasn't able to choose that answer." The question refers to "**an** area supervisor," which presumably could be a male, and not to all area supervisors. As such, it is not clear how Bell determined that the keyed response was discriminatory or how Bell concluded that it would "make the test takers assume all Lieutenants are male." Furthermore, it is noted that Bell did not appeal any other test item which used gendered pronouns.

Question 9 indicates that an inmate at your facility was found guilty of the prohibited act .013 unauthorized physical contact with any person, as outlined in *N.J.A.C.* 10A:4-4.1 (Prohibited acts). Candidates are presented with four possible sanctions for the inmate and asks, assuming the inmate is not a chronic violator, for the sanction(s) that is **not** permitted by *N.J.A.C.* 10A:4-5.1 (Schedule of sanctions

² *N.J.A.C.* 10A:3-3.7 provides, in pertinent part, that the custody staff member shall immediately contact his or her shift commander and shall write a special report when the custody staff member participated in, or witnessed, an incident in which: 1. A firearm was discharged outside of the firing range; 2. A use of force resulted in death or serious bodily harm; and/or 3. An individual alleges that serious bodily harm has been inflicted. See *N.J.A.C.* 10A:3-3.7(a).

for prohibited acts committed at the Prison Complex). The keyed response, option c, does not include statement I, “Up to 14 hours extra duty, to be performed within a maximum of two weeks,” and statement IV, “Two weeks confinement to room.”³ Haywood argues that statement I and statement IV are appropriate sanctions for an offense under Category C. As such, it appears that Haywood misremembered the question as asking for the sanctions that are permitted by *N.J.A.C. 10A:4-5.1*. Thus, his appeal of this item is moot.

For question 11, candidates are presented with three situations regarding inmates in close custody units and are required to determine, assuming that none of the situations adversely affects the security or orderly operation of the facility, which of the inmates is **not** receiving the minimum amount of recreation time mandated by *N.J.A.C. 10A:5* (Close custody units). The keyed response is option b, III, only.⁴ Hoehman misremembered the question as asking, “In which of the following situations did the inmate receive the proper amount of out-of-doors recreation?” However, he asserts that in situation I,⁵ the inmate should have been provided with outdoor recreation. In this regard, he argues that “‘bad weather’ is not listed anywhere in Title 10A being a reason for cancelling out-of-doors recreation . . . Provided the weather isn’t severe with lightning in the vicinity, recreation continues. Therefore, [I]nmate Fillmore should have been provided the opportunity to exercise out-of-doors. I believe this question should have included

³ *N.J.A.C. 10A:4-5.1(i)* provides that a finding of guilt any offense in Category C can render the offender subject to 31 through 90 days of administrative segregation and one or more of the following sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 60 calendar days, subject to confirmation by the Administrator;
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see *N.J.A.C. 10A:4-7*);
6. Confiscation; and/or
7. Up to 14 hours extra duty, to be performed within a maximum of two weeks

⁴ Situation III indicates, “Inmate Van Buren is in a Protective Custody Unit and is allowed four hours of recreation outside of his cell per week, none of which are hours spent outdoors.” It is noted that Hoehman misremembered this situation as, “II. An inmate in Protective custody was given 3 hours of recreation, 1 of which was out-of-doors.” Hoehman misremembered the keyed response as option c (which he misidentified as option a), I, “Inmate Fillmore is in a Management Control Unit and is allowed three hours of recreation outside of his cell per week, none of which are hours spent outdoors, since bad weather has prevented him from receiving additional recreation time,” and III only, which he selected.

⁵ Hoehman misremembered this situation as, “I. Inmate Fillmore is housed in ACSU and was given 5 hours of recreation, none of which were out-of-doors because of bad weather.”

the word ‘severe’ or another less controversial adjective . . .” *N.J.A.C. 10A:5-2.21(a)* provides:

Efforts shall be made to provide opportunities for exercise and recreation consistent with custodial considerations. Each inmate in the M.C.U. shall be permitted the minimum of two hours exercise each week and every effort shall be made to provide at least five hours per week, unless compelling security, safety or weather reasons dictate otherwise. When exercise is not permitted, the reasons shall be well documented.

N.J.A.C. 10A:5-2.21(a) does not describe the specific the weather conditions which would preclude exercise. Furthermore, other than his own opinion, Hoehman does not provide any support for his claim that “the word ‘severe’ or another less controversial adjective” is required.

Question 13 indicates that your facility has received a piece of outside correspondence, the envelope of which contains an inmate’s name and identification number as well as the sending address, but does not contain the sender’s name. The question asks, according to *N.J.A.C. 10A:18-2.6* (Inspection and identification of incoming correspondence),⁶ what should be done. The keyed response is option d, The correspondence should be “opened and inspected to ensure there is no contraband, then delivered to the inmate.” Kostbar misremembered the keyed response as option c, The correspondence should be “marked ‘Refused’ and returned to the United States Postal Service unopened,” and argues for the keyed response. As such, his appeal of this item is moot.

Question 16 indicates that Lieutenant Grimes, who supervises Sergeant Baldwin and Sergeant McCarthy, has observed that Sergeant Baldwin not only

⁶*N.J.A.C. 10A:18-2.6* provides, in pertinent part:

- (a) Each piece of incoming correspondence shall be opened and inspected by designated correctional facility staff.
- (b) The sender’s name and address and the inmate’s name and number should appear legibly on the outside of all incoming correspondence.
- (c) The inmate’s name and number shall appear on the outside of the incoming correspondence. Correspondence without either the inmate’s name or number shall be returned to the sender.
- (d) If either the sender’s name or address does not appear but the inmate’s name and number do appear on the outside of the incoming correspondence, the correspondence may be delivered to the inmate after the correspondence has been opened and inspected for contraband.
- (e) When the inmate’s name or number and the sender’s name and address do not appear on the outside of the incoming correspondence, the correspondence shall be marked ‘Refused’ and returned to the United States Postal Service unopened.

completes her required reports, but also checks in regularly and keeps him informed of even minor situations that happen during her shift. While Sergeant McCarthy, who completes his required reports, only informs the lieutenant of significant events. In order to encourage Sergeant McCarthy to check in more regularly during his shift, Lieutenant Grimes sets up appointments for Sergeant McCarthy to come to his office to report on shift occurrences. The question asks for the statement which best describes the management pitfall indicated in the scenario. The keyed response is option c, Failure to “recognize personal differences in subordinates and manage accordingly.” Bell presents that option b, “motivate subordinate staff to perform to the best of their ability,” is the best response. In this regard, Bell contends that “this answer comes directly from [the] book, *Management and Supervision of Law Enforcement Personnel* 5th Edition.⁷ Page 66 of the book states, ‘The goal of motivation is to bring about certain behavior in a worker, and his behavior is beneficial not only to the organization, but also to the worker.’ In the book, *Supervision: A Handbook for Success*⁸ on page 16 it states, ‘One leadership skill, motivation, deserves a closer look, because all other skills depend on this one.’” The question does not indicate that Sergeant McCarthy is not performing to the best of his ability or failing to perform his required duties but rather, Lieutenant Grimes would prefer certain behaviors. As noted by Schroeder and Lombardo, *supra*, “all too often the novice supervisor confuses motivating workers with manipulating workers.” As such, option b is not the best response. Davis argues that “the sentence structure of this question was grammatically inconsistent due to the question using both past and present tense in the same sentence” and thus, this item “is a faulty question.” As noted in the test booklet, candidates were instructed that “questions #16-30 measure your situational judgment. Read each question and choose the BEST answer.” As such, the focus of this item was not on grammar. Further, Davis does not explain how this “inconsistency” prevented candidates from answering the question.

For question 18, since Davis and Harba selected the correct response, their appeals of this item are moot.

For question 19, since Kabrt selected the correct response, his appeal of this item is moot.

Questions 20 and 21 are based on the following scenario:

Sergeant Fell was overseeing the visit program when he observed Inmate Reed kissing his visitor. Sergeant Fell noticed the visitor pass

⁷ Donald J. Schroeder and Frank Lombardo, *Management and Supervision of Law Enforcement Personnel* (5th ed., 2013).

⁸ Bruce B. Tepper and Ida M. Halasz, *Supervision: A Handbook for Success* (1998).

something from her mouth to Inmate Reed's mouth. Sergeant Fell separated the inmate and the visitor. At this point, neither the inmate or visitor had the object in their mouths.

Question 21 asks for the best way to handle the situation with regard to the visitor. The keyed response is option d, The visitor should be "taken to a private area for questioning by the Special Investigations Division (SID)."⁹ Since Stark selected the correct response, his appeal of this item is moot. Haywood and Hoehman contend that option c, "escorted off facility property to prevent the passing of contraband," is the best response¹⁰ and refer to *N.J.A.C. 10A:18-6.14*.¹¹ Specifically, Haywood argues that "contraband was never found according to the passage. It would be unlawf[ul] to detain the visitor." Hoehman maintains that "the fact that the scenario excluded a pat search of the visitor and nothing was found on the inmate leaves room to assume that there was no contraband discovered." Hoehman also refers to *N.J.A.C. 10A:3-6.8(b)*¹² and maintains that

⁹ It is noted that Hoehman and Stark misidentified this item as question 20.

¹⁰ It is noted that Hoehman misidentified option c as option a in his appeal.

¹¹ *N.J.A.C. 10A:18-6.14* (Search of visitors) provides, in pertinent part:

- (a) Signs written in English and Spanish shall be posted in both the visiting area and visiting entrances stating that, as a condition of visitation, all visitors, their belongings and vehicles are subject to search(es) while on the premises of the Department of Corrections.
- (b) All visitors entering the premises of a facility under the jurisdiction of the Department of Corrections shall be required to submit to a search(es), such as, but not limited to, a passive canine, scanning/testing device and pat search.
- (c) If a visitor refuses to submit to a search, and there is no reasonable suspicion that the visitor is in possession of contraband, the visitor shall be directed to immediately leave the premises of the facility under the jurisdiction of the Department of Corrections . . .
- (e) In the event that a custody staff member with the rank of Sergeant or above receives information sufficient to form reasonable suspicion that a visitor is carrying contraband, or when contraband has been detected or indicated on a visitor, the visitor shall be pat searched. If contraband is discovered during the pat search of the visitor, the visitor shall be detained and the Special Investigations Division Investigator shall be contacted.
- (f) In the event a correctional facility staff member receives information, which leads the staff member to believe that a visitor will be concealing contraband on his or her person, the Administrator or designee shall be contacted immediately . . .

¹² *N.J.A.C. 10A:3-6.8* (Introduction or discharge of contraband into or from a facility by a visitor) provides:

- (a) Any visitor present within the correctional facility or on its grounds shall surrender any item, article, or material which the Administrator or designee shall determine to be contraband.
 - 1. The custody staff member or staff member seizing any item, article or material determined to be contraband shall give the visitor an itemized, dated and signed receipt. When possession of the seized item, article or material does not appear to violate any Federal or State statute and the visitor exits the facility, the employee shall, in return for the receipt, return the item to the visitor.

“implementation of both rules are required after confirming the discovery of contraband.” The Subject Matter Experts (SMEs) referred to *N.J.A.C. 10A:3-6.8(b)* and noted that based on the scenario, Sergeant Fell had reason to believe that the visitor willfully introduced or was attempting to introduce contraband into the facility. The SMEs indicated that if an item was observed before it was passed, it would have resulted in the visitor being pat searched and the item seized. However, Sergeant Fell observes something already being passed from the visitor to the inmate and the item could not be located. The SMEs noted that under these circumstances, the visitor and inmate would be immediately separated, the visit terminated, and SID would be notified. The visitor would be then taken to a private area for questioning by SID. Thus, the question is correct as keyed.

Question 23 indicates that your facility is receiving 100 inmates from another institution due to heater failure at that institution. The question presents candidates with four actions and asks which should be considered when preparing for the mass transfer. The keyed response, option d, includes all four actions. Hassan argues that statement II, “Classification levels of incoming inmates,” and statement III, “Medical needs of incoming inmates,” “can be taken out of the equation because the decision to transfer that amount of inmates all at once due to a heating failure is one that is made by administration and powers much higher than Lieutenant . . . Once an inmate arrives at a new facility he is always brought to medical for an initial screening. At that time medical advises if there are any issues or concerns for custody staff with regard to an inmate[']s medical needs Inmates are always classified prior to being transferred. As a receiving facility[,] there is no need to consider an inmate’s custody status if it is already predetermined by the classification dept. prior to his arrival at my facility . . . Custody status would not interfere with ensuring that the inmates are given proper living conditions . . .” The SMEs determined that a Lieutenant needs to be aware of all of these concerns when accommodating inmates during a mass transfer. While a Lieutenant may not determine, *e.g.*, the medical needs of incoming inmates, the Lieutenant would need to be aware of the medical needs as determined by medical staff in order to prepare for the transfer.

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2. If there is reason to believe that possession of the contraband violates a Federal or State statute, the employee shall detain such a visitor and notify the correctional facility Special Investigations Division.
 - (b) If there is reason to believe that a visitor has willfully introduced or was attempting to introduce contraband into the facility, such person shall be detained in the facility and the correctional facility Special Investigations Division shall be notified.
 - (c) Visitors may be subject to denial of future visits as specified by the Administrator due to the presence of contraband in their possession or under their control. Where warranted, the case may be referred to the appropriate law enforcement authority for criminal prosecution.

Question 27 indicates that while on a routine tour of a housing unit, Lieutenant Mayes and Officer Hunt heard two inmates having a loud argument in their cell. The question asks for the **best** way for Lieutenant Mayes to handle this situation. The keyed response is option d, “Assist Officer Hunt in addressing the situation by ensuring steps are taken to stop the argument.” Since Davis selected the correct response, her appeal of this item is moot. Rivera asserts that option b, “Instruct Officer Hunt to order the inmates to stop arguing,” is the best response. In this regard, he refers to Bruce B. Tepper and Ida M. Halasz, *supra*, which provides, “Delegating work develops the skills and abilities of others. Doing the work yourself often seems faster and easier because your staff may not have learned the tasks as well as you have. They never will, if you don’t give them a chance.” It is noted that option d does not indicate that Lieutenant Mayes would handle the situation but rather the Lieutenant would be “assist[ing] Officer Hunt.” In addition, the SMEs determined that the Lieutenant should not hand off responsibility in this situation as this would waste time and may allow the argument to escalate.

For question 29, since Kostbar selected the correct response, his appeal of this item is moot.

Question 30 indicates that Lieutenant Stonehill is the shift commander when the institution experiences a power outage. The question presents candidates with three actions and asks for the actions for which Lieutenant Stonehill is responsible. The keyed response is option c, I, “order a stand-up count,” and II, “ensure staff are securing doors.” Hassan maintains that option a, I only, is the best response. Specifically, Hassan asserts that “it is the responsibility of area sergeants and lieutenants to ensure that custody staff are securing the doors as they conduct a count of the inmates . . . The shift commander cannot leave center control therefore he cannot actually ensure that staff are securing doors. The ensuring should be the responsibility of the area lieutenants and then delegated down to area sergeants and so forth.” Hoehman, who misidentified this item as question 38, argues that “during a power outage, the shift commander is ultimately responsible for all of these tasks . . . If the 3rd task¹³ . . . is not considered the shift commander’s responsibility . . . , then the 2nd task . . . shouldn’t be either (he or she is not physically touring each unit or area to ensure the doors are being secured).” Hoehman presents that “according to the internal management procedures at Northern State Prison, . . . the G/A Sergeant is responsible to ensure that all areas are secured during a power outage.” The SMEs indicated that the shift commander is responsible for the secure operation of the entire institution and while the shift commander may delegate authority, he or she may not delegate responsibility. The SMEs noted that in emergency situations, the shift commander is responsible for coordinating, maintaining and activating any or all support services necessary to

¹³ Statement III provides, “Detect the source of the power outage.”

bring the situation under control which includes the activation of the Emergency Command Post, if and when necessary. The SMEs noted that while the shift commander does not leave Center to respond to emergent situations, he or she is responsible for the orderly operation of the entire institution. The SMEs further noted that while area sergeants and lieutenants may be directing staff to ensure that doors are secured, assuming that the shift commander must leave center to ensure that orders are followed is a flawed analysis. In this regard, the SMEs noted that the shift commander must ensure that assigned staff have been ordered to complete and have completed this task. Accordingly, the question is correct as keyed.

Questions 31 through 34 refer to the Prison Rape Elimination Act (PREA). Candidates were instructed that “your answers should be based on the U.S. Federal PREA regulations, not on any PREA regulations that may have been developed by your individual facility.” Davis maintains that questions 31 and 32 are “faulty questions because the New Jersey Department of Corrections provided a handbook which included PREA information according to the State Policy not the Federal Policy which the questions in the test were based on. The Civil Service Orientation Guide listed the PREA as a source[. H]owever, New Jersey Department of Corrections has State guidelines which are followed according to each state under the federal law. Each State Facility also has a specific policy regarding PREA, therefore, the source was not specific to the State training nor the State Guidelines.” It is noted that Davis does not describe how the questions and/or keyed responses to these items conflict with New Jersey Department of Corrections PREA policies. Thus, absent specifics, the Commission cannot address this matter further.

Question 49 refers to the Inmate Classification Policy provided to candidates in the test booklet and presents the following scenario, in pertinent part:

On January 27th, Inmate Herrera was classified as a medium-security inmate for her initial classification. Inmate Herrera requested an institutional level review regarding her custody level on February 9th. Bryant Regan, the facility’s Inmate Housing Manager, reviewed Inmate Herrera’s request, upheld the initial classification decision, and informed Inmate Herrera of the decision. Inmate Herrera submitted a written request for a second level review to the Housing and Classification Manager on February 24th.

The question asks for the true statement in regard to Bryant Regan’s response. The keyed response is option d, “More information is needed in order to determine whether or not Bryant Regan violated the Inmate Classification Policy.”¹⁴ Stark

¹⁴ The Inmate Classification Policy provides, in pertinent part:

asserts that option b, “Bryant Regan adhered to the Inmate Classification Policy,” is the best response since “Inmate Herrera clearly violated the policy . . . That fact alone is enough to substantiate that Regan was correct in upholding the decision and therefore no further information is needed . . .” Even assuming that Regan’s decision is correct, given that the scenario does not indicate when Regan informed the inmate, option b is not the best response. Bell argues that option c, “The Inmate Classification Policy did not cover the situation presented in this scenario,” is correct. Specifically, Bell presents that since “the policy does not cover what happens when an inmate violates the policy . . . The policy gave the time frames for when the inmate could put in for the review. Since the inmate violated the policy,” it is not clear what happens under those circumstances. Given that the policy does not address what occurs when an inmate fails to make a timely request, the Division of Test Development and Analytics determined to double key this item to option c and option d.

Question 61 indicates that one of the Lieutenants recently went on sick leave and you have been covering a few of her responsibilities, which has been demanding. Today, Major Daniels assigns you to mentor Sergeant Bryant, who is a new supervisor. You are unsure if you will be able to dedicate enough time to this task. The question asks for the best way to handle this situation. The keyed response is option d, “Talk to Major Daniels about your demanding workload, and ask which responsibilities are top priority and how you should be dividing your time.” Bell argues that option a, “Act as a resource person for Sergeant Bryant as best you can, but explain to Sergeant Bryant that you might be busy with your other responsibilities,” is the best response. Bell maintains that since you are “unsure,” it “means it is not an absolute, and that you could possibly have the ability to accomplish what the Major is asking.” Bell further argues that “as a supervisor, you know what your priorities are” and refers to *Tepper and Halasz, supra*, which “does not say you should ask your supervisor what your priorities are, but that we as supervisors are to make decisions and to know our priorities.” While you may know your priorities, it does not necessarily mean that you “have the

G. Requested Institution Level Review

1. Inmates may request an institutional level review of initial classification and reclassification proceedings and decisions, to include level of custody, housing and other program status changes, except those directly resulting from formal disciplinary action, by addressing an inmate communication to the deciding institution’s Inmate Housing Manager within five (5) calendar days of the decision.
2. The Inmate Housing Manager must inform the inmate of his decision within ten (10) calendar days of the inmate’s review request.
3. Decisions made by the institution’s Inmate Housing Manager concerning institution- specific cell assignment and housing decisions shall be considered final for the purposes of the institutional classification review process.

ability to accomplish what the Major is asking.” In this regard, you should apprise your supervisor of how you are managing your workload since if you are unable to complete your assigned tasks, it may create problems later on. As noted in Richard P. Seiter, *Correctional Administration: Integrating Theory and Practice* (2d ed. 2011), as a supervisor, you should learn to “at least speak up, when the last request or demand (from your boss), finally becomes too much.” Option a indicates that you have determined that other tasks are more important and you may not be able to provide sufficient mentoring. As such, option a is not the best response.

Question 70 indicates that while in the cafeteria during lunch, you overhear a conversation between Officer Mitchell and Officer Englewood. You hear Officer Englewood ask Officer Mitchell how his weekend was, and Officer Mitchell respond by saying, “My basement flooded over the weekend from all the rain we got. It was a mess.” You then hear Officer Englewood respond with, “I had a good weekend. I took the kids to the park.” It seems that Officer Englewood was not actually listening to Officer Mitchell. The question asks, “Based on what you heard, what barrier of active listening is **most** likely present in this scenario? Officer Englewood . . .” The keyed response is option d, “anticipated what Officer Mitchell was going to say before he finished speaking.” Since Davis and Stark selected the correct response, their appeals of this item are moot. Harba asserts that option a, “did not make eye contact with Officer Mitchell as he was speaking,” is the best response. Rivera contends that option b, “did not use open and inviting body language as Officer Mitchell[] was speaking,” is the best response. Harba and Rivera refer to Tepper and Halasz, *supra*, which indicates that “in addition to listening, communicating involves interpreting body language and getting your message heard. Your verbal language conveys only part of what you mean. Body language – your gestures and movements – says the rest.” Given that the question did not describe either officer’s body language or eye contact, candidates could not make such determinations. Thus, option a and option b are not the best responses.

Question 71 refers to Tepper and Halasz, *supra*, and indicates that “the ‘SMART’ in SMART goals stands for specific, measurable, attainable, reachable, and timely.” The question asks, based on the information provided by Tepper and Halasz, for the action that is not a SMART goal. The keyed response is option d, “Reduce inmate complaints in your assigned area as quickly as possible.” Davis notes that the “R” in SMART goals is “realistic” rather than “reachable,” as indicated in the question.¹⁵ She argues that “the answer should be double keyed

¹⁵ Tepper and Halasz, *supra*, note that “according to management expert Ken Blanchard, goals should be:

- S *Specific*. Goals are stated in descriptive terms, not in generalities . . .
- M *Measurable*. Goals include dates and other items that can be measured, or quantified.
- A *Attainable* or *Achievable*. You are capable of doing them.
- R *Realistic*. They are possible to do or achieve.
- T *Timely*. You have the time available to do them.”

because the question was not properly written with correct information from the book.” It is noted that Davis does not indicate which other answer choice should be selected as the double key. However, it is noted that she selected option b, “Decrease staff grievances by five percent by next year.” Regardless of the “R” word provided in the question stem, candidates were required to apply the principles of SMART. Option b provides a specific goal, “decrease staff grievances,” that is measurable, “by five percent,” and within a specific timeframe, “by next year.” However, option d does not indicate any specific measurable quantities, *e.g.*, percentage of complaints or timeframe. As such, option d is the best response.

CONCLUSION

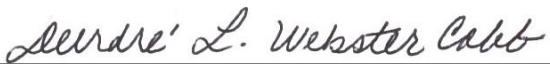
A thorough review of appellants’ submissions and the test materials reveals that the appellants’ examination scores, with the exception of the above noted scoring change, are amply supported by the record, and the appellants have failed to meet their burden of proof in this matter.

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 ON
THE 21ST DAY OF NOVEMBER, 2018



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