

B-25



STATE OF NEW JERSEY

In the Matter of Douglas Ahlquist,
et al., Correction Sergeant (PS9466I),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3366

Examination Appeal

ISSUED: **OCT 22 2015** (JH)

Douglas Ahlquist, Sandy Alvarez, Roberto Aravena, Kyle Branch, Lance Brossa, Kevin Carter, Christopher Conti, Stephen Foster, Bryan Fusaro, Robert Hoehman, Justin Kijowski, Mark Littles, Michael Marrero, Frank Martinez, Jose Martinez, Donald McGee, Kim McIntosh-Smith, Andrew Merola, Anna Miglio, Teofilo Moreno, Allison Oliver, Richard Orne, Daniel Ortiz, Jason Polner, Salvador Russomano, Thomas Scott, David Soto, Mark Stepniewski, Daniel Wilson and Thananya Wooden appeal the written examination for Correction Sergeant (PS9466I), Department of Corrections. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 30, 2015 and consisted of 70 multiple choice questions. Candidates were tested in one of two sessions, the morning session or the afternoon session. It is noted that candidates who were tested in the morning session received test booklet A and those who were tested in the afternoon session received test booklet B. Both booklets contained the same questions, but each booklet presented the questions in a different order.

Appellants argue 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 contend that their ability to take notes on exam items was severely curtailed. As such, appellants 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 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.

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 9 in booklet A (question 17 in booklet B) indicates that an officer observes an inmate committing a prohibited act and has completed the disciplinary report. The question requires candidates to complete the following sentence, "According to [*N.J.A.C.*] 10A:4-9.2 Notification of inmate, the disciplinary report shall be served upon the inmate within . . ." The keyed response is option d, "48 hours after the violation and the inmate shall have 24 hours to prepare his defense." Mr. Scott argues that option a, "24 hours after the violation and the inmate shall have 24 hours to prepare his defense," is equally correct. In this regard, he refers to *N.J.A.C.* 10A:4-7.1 *et seq.* (On-the-Spot Correction) and *N.J.A.C.* 10A:4-5.1 (Schedule of sanctions for prohibited acts committed at the Prison Complex). The question specifically refers to *N.J.A.C.* 10A:4-9.2 which provides:

The disciplinary report shall be served upon the inmate within 48 hours after the violation unless there are exceptional circumstances. The report shall be delivered by the reporting staff member or the investigating custody staff member. The report shall be signed by the person delivering it and the date and time of delivery shall be noted. The inmate shall have 24 hours to prepare his or her defense.

As such, the question is correct as keyed.

Question 11 in booklet A (question 21 in booklet B) indicates that an inmate is charged with intentionally flooding his cell by clogging his toilet and intentionally damaging the plumbing fixtures. The question asks for the true statement

according to *N.J.A.C.* 10A:4-10.1 (Confinement in Prehearing Detention).¹ The keyed response is option b, “An inmate, in the opinion of correctional staff, who is likely to engage in additional destruction of property may be placed into Prehearing Detention.” Mr. Conti contends that “the keyed answer according to the test was ‘A.’ I feel that this is incorrect. According to [*N.J.A.C.*] 10A:4-10.1[(c)5,] it states that [the inmate] may be placed in a ‘dry cell’ New Jersey Prison only. I chose answer key ‘B’ because the answer given did not contain enough relevant information such as dry cell and New Jersey Prison only.”² Given the circumstances presented in the question, it is clear that the inmate should be placed in Prehearing Detention. *N.J.A.C.* 10A:4-10.1(c)5 provides, in pertinent part, that “whenever the destruction to property consists of flooding the cell or damaging plumbing fixtures, the inmate may be placed in Prehearing Detention in a “DRY” cell -- New Jersey State Prison only.” Thus, the inmate is still placed in Prehearing Detention. As such, option a is incorrect.

Question 21 in booklet A (question 53 in booklet B) refers to Bridget P. Gladwin and Charles R. McConnell, *The Effective Corrections Manager* (3d ed. 2014). The question indicates that an officer tells you that he is not happy in his current assignment. Specifically, he does not like the repetitive nature of the work,

¹ *N.J.A.C.* 10A:4-10.1 provides:

- (a) An inmate may be placed in Prehearing Detention in those instances where it appears necessary to remove or isolate the inmate from the general population until an investigation into the inmate’s alleged misconduct can be completed and a disciplinary hearing can be held pursuant to *N.J.A.C.* 10A:4-9, Disciplinary Procedures. Confinement in Prehearing Detention shall be deemed necessary only where it appears that, if the inmate remained in his or her existing housing unit, the inmate would constitute a threat to other inmates, staff members, the inmate or to the safe, secure and orderly operations of the correctional facility.
- (b) Confinement in Prehearing Detention may consist of placement in the Detention Unit or confinement to the inmate’s room or housing unit.
- (c) Factors that may be considered in determining whether confinement in Prehearing Detention is warranted include:

...
 5. The inmate has been charged with arson or serious destruction of property and, in the opinion of the correctional staff, there is a substantial likelihood that the inmate may engage in additional arson or destruction of property. (Whenever the destruction to property consists of flooding the cell or damaging plumbing fixtures, the inmate may be placed in Prehearing Detention in a "DRY" cell -- New Jersey State Prison only).

² Mr. Conti does not provide any description as to what he claims constitutes option a and option b. In this regard, as noted above, the keyed response is option b. It is noted that Mr. Conti selected option a, “Inmates charged with an act that only involves the destruction of property does not warrant placement into Prehearing Detention.”

and he wants to know what can be done about it. The question asks for the best way to respond to this situation. The keyed response is option b, "tell the officer you are continually reviewing assignments and you will do your best to put him in a position that best utilizes his skills." Mr. Littles maintains that the question is "debatable and also two answer[s] are the same." It is noted that Mr. Littles does not provide any further information as to why he believes the question is debatable or describe which answers he believes are the same. Without this information, the Commission is unable to address his concerns regarding this item.

For question 22 in booklet A (question 58 in booklet B), since Mr. Littles selected the correct response, his appeal of this item is moot.

For questions 31 through 35 in booklet A (questions 66 through 70 in booklet B), candidates were referred to a description of a critical incident³ and a policy entitled, "Riverwind Correctional Facility Critical Incident Reporting," provided in the test booklet.

Question 32 in booklet A (question 67 in booklet B) requires candidates to complete the following sentence, "According to the criteria established in the policy, while completing his report, Officer Smith should identify the incident as a . . ." The keyed response is option a, "Category I Assault."⁴ Mr. Foster argues that option b, "Category II Assault,"⁵ is the best response. In this regard, he contends that "according to the [scenario] given, the victim was not admitted to a hospital or any type of in-patient care." He also maintains that the last sentence in the described scenario, *i.e.*, medical personnel arrived and the incident was brought under control without further incident, leads candidates "to believe that no further treatment to the victim was needed or that his injuries were serious enough to admit him to a hospital." Mr. Foster contends that he has "seen several incidents similar to the one in the [description]." He asserts that "more likely than not the victim has superficial stab wounds and is cleaned up by medical and sent to a housing unit . . .

³ The described scenario provides, in pertinent part, that Officer Smith was returning Inmate Burr to the housing unit following a visitation session. After entering the housing unit and walking toward his cell, Inmate Burr was attacked from behind by Inmate Toolan. During the attack Inmate Burr was knocked unconscious and stabbed multiple times with a makeshift knife. Backup officers and medical personnel quickly arrived and the incident was brought under control without further escalation.

⁴ The policy defines "assault" as "physical contact as the result of an attack on, or intentional, non-consensual touching of, another person in anger or with intent to abuse." A Category I assault is defined as "assault resulting in death or serious physical injury." A "serious physical injury" is defined as "physical injury that requires hospital admission or in-patient care but does not include instances where only emergency room treatment is provided."

⁵ The policy defines a Category II assault as "assault with non-serious physical injury."

Also, I have seen inmates knocked unconscious during a fight and when medical arrived they slowly start to regain their consciousness.” It is noted that the Division of Test Development and Analytics contacted a Subject Matter Expert (SME) on this matter who indicated that any time an inmate loses consciousness from an attack, combined with multiple stab wounds, it would always be considered a “serious injury.” The SME indicated that the loss of consciousness resulting from a physical attack should always be followed by an extended period of medical monitoring due to the chance of concussion or other head trauma that is not immediately apparent. The SME noted that even if the injuries sustained in the described scenario did not require a hospital stay, the inmate would still be sent to the facility’s medical unit for further observation and would not be released back to his cell in the general population. The SME concluded that it would not be realistic for an event like this to take place and not be considered “serious.” Accordingly, the question is correct as keyed.

For question 34 in booklet A (question 69 in booklet B), candidates were required to complete the following sentence, “Before completing his official written report of the incident, Officer Smith is required by the policy to verbally report the critical incident directly to . . .” The keyed response is option b, “his immediate supervisor.” Ms. Wooden, who selected option a, “the Facility Director,” contends that the policy states that “before completing [the] official written report, the incident should be verbally reported to the immediate supervisor AND through the chain of command to the Facility Director. This question had multiple interpretations before choosing the BEST answer.” The policy, under the section entitled, “Critical Incident Reporting Requirements,” provides, “Each employee who is a participant in or witness to a critical incident shall immediately verbally report the incident to his immediate supervisor and through the chain of command to the Facility Director.” The question specifically asks to whom Officer Smith must *directly* report the incident. The policy clearly indicates that the information should flow through the chain of command,⁶ *i.e.*, Officer Smith reports the incident to his supervisor, Officer Smith’s supervisor in turn passes this information to his or her supervisor and that supervisor to the next level of command and so forth until the information reaches the Facility Director. As such, the question is correct as keyed.

⁶ As noted by Richard P. Seiter, *Correctional Administration: Integrating Theory and Practice*, (2nd ed. 2011), “chain of command is the vertical hierarchy in an organization, identified in terms of authority. Persons receive orders from the person immediately above them, who in turn issued orders to the people immediately below them.” In this regard, Seiter also notes that “lower-ranking staff take orders and direction from their higher-ranking officials, and . . . orders are communicated and passed through the ranks . . . [L]eaders will not ‘jump’ the chain of command to give orders directly to a line staff member several levels below them without advising or passing the instruction through the supervisory chain.”

Question 35 in booklet A (question 70 in booklet B) indicates that after all Critical Incident Reports are written and received, a Critical Incident Summary is completed by the Facility Director. The question required candidates to complete the following sentence, "According to the policy, the Critical Incident Summary **MUST** be completed . . ." The keyed response is option c, "before leaving the facility on the day the incident occurred." Mr. Scott presents that the keyed response was "by the end of the shift."⁷ He maintains that "the policy states that the incident report should be submitted by the end of the shift and that the incident summary should be submitted within 7 days. This question should be removed from this test due to the fact that an incident report is a summary of what happened. One would conclude that a report is a summary and a summary is a report, therefore making this answer an option as well." The policy, under the section entitled, "Critical Incident Reporting Requirements," provides:

- D. Each employee who is a participant in or witness to a critical incident also shall complete a Critical Incident Report (CIR-602). The completed report shall be submitted to the Facility Director as soon as possible, but not later than the conclusion of the same shift during which the incident occurred.

Under the section entitled, "Additional Requirements," the policy provides:

- F. Upon receipt of the completed Critical Incident Reports, the Facility Director shall complete a Critical Incident Summary (CIS-750) before leaving the facility on the day the incident occurred. Each Critical Incident Summary which involves an assault shall specify the assault category as identified in Paragraph A. The Facility Director shall ensure that a unique identification number is assigned to each Critical Incident Summary.
- G. The Facility Director shall ensure the Critical Incident Summary, along with other related reports and forms required by this or another policy, are submitted through the chain of command to the Department Deputy Director no later than seven business days after the incident occurred. If the critical incident involves non-facility employees (e.g., visitors, volunteers, etc.), the Facility Director shall forward a copy of the Critical Incident Summary to the County Prosecutor's Office

⁷ It is noted that "by the end of the shift" was not one of the answer choices presented to candidates. It is also noted Mr. Scott selected option a, "no later than 7 business days after the incident occurred."

The question specifically refers to the Critical Incident Summary completed by the Facility Director. Furthermore, the question specifically asks when the Critical Incident Summary must be completed, and not when it must be submitted. Moreover, the policy clearly indicates that the Critical Incident Report and the Critical Incident Summary are two different documents as they are identified by different form numbers, CIR-602 and CIS-750, respectively. As such, the question is correct as keyed.

Questions 36 through 45 in booklet A (questions 31 through 40 in booklet B) and questions 46 through 55 in booklet A (questions 41 through 50 in booklet B) were designed, as indicated in the instructions, to measure candidates' knowledge of effective expression and report writing skills/techniques. Candidates were presented with two reading passages entitled, "Officer Carson Incident Report" and "Sergeant Cruz Incident Report."⁸

Question 41 in booklet A (question 36 in booklet B) asks for the change that must be made to the second paragraph (Lines 6-16)⁹ in Officer Carson's incident report in order to improve the overall quality of the report. The keyed response is option a, "Because another officer was mentioned as observing the incident, his name should be listed in the report." Ms. Wooden argues that "the writer of the report may have not known the 'other officer's name' to include it in the report. There was another Best Answer Choice." Since Ms. Wooden does not provide any further information or description of which answer choice "was another Best Answer Choice," the Commission cannot address her concerns regarding this item. Messrs. Carter and McGee maintain that option b, "The line indicating that Inmate Henderson's reaction to the violation should be removed because Officer Carson is not qualified to make that determination," is the best response. Specifically, Mr. Carter asserts that while "as officers we are trained to notice changes in behavioral pattern[s, and n]oticing a behavioral pattern is different than determining the

⁸ "Officer Carson Incident Report" corresponded to questions 36 through 45 in booklet A (questions 31 through 40 in booklet B). "Sergeant Cruz Incident Report" corresponded to questions 46 through 55 in booklet A (questions 41 through 50 in booklet B).

⁹ Lines 6-16 of the Officer Carson Incident Report provide:

Line 6 Inmate Henderson was not pleased about me seeing the violation, but I did not feel that it
Line 7 was bad enough of a violation to write him up for the violation. I think Inmate
Line 8 Henderson was upset after coming back from a visitation and I don't think he is a bad
Line 9 person. During the incident I was standing approximately 5 feet from Inmate Henderson
Line 10 when I told him it was time to lock-in. He whispered something under his breath
Line 11 and did not comply with my command. I know other officer's would have been
Line 12 more forceful with him, but that is not my style. Another officer observed me as I
Line 13 told him to lock-in again, and again he did not comply. At that point I took a step
Line 14 toward him and he immediately entered the cell and the problem was over. I told
Line 15 him that this was a minor violation and that tomorrow he would be confined to his
Line 16 cell for two hours. He agreed and the incident came to a conclusion.

mental and emotional state of mind of inmates, which is exactly what the officer did when he stated that ‘he knew the inmate was upset’ and ‘why the inmate was upset.’” Mr. McGee contends that “when the report writer states[,] ‘I think [I]nmate Henderson was upset after coming back from a visitation and I don’t think he is a bad person[,]’ and ‘He whispered something under his breath [. . .]’ are . . . opinions and should never be included in a[n] official report, due to the fact that those statements will reduce the writer’s credibility and Officer Carson is not qualified to make those statements[. Moreover[,] the statements were never labeled ‘opinions’ by Officer Carson and thus[,] should be removed.” Option b specifically refers to “Inmate Henderson’s reaction to the violation.” However, in support of their argument, Messrs. Carter and McGee refer to the sentence, “I think Inmate Henderson was upset after coming back from a visitation and I don’t think he is a bad person,” which describes Inmate Henderson’s demeanor prior to the violation. Mr. McGee also contends that the sentence, “He whispered something under his breath and did not comply with my command,” is an opinion. Harvey Wallace and Cliff Roberson, *Written and Interpersonal Communication Methods for Law Enforcement* (5th ed. 2013), state that “facts are information the officer has obtained or observed.” Officer Carson observed the inmate “whisper[ing] something under his breath” and thus, it is a fact. Furthermore, Wallace and Roberson indicate that in a report, “the officer must also ensure that law enforcement personnel who responded to the scene of the crime are identified . . . All officers involved in the investigation must be identified and their roles explained.” As such, the question is correct as keyed.

Question 44 in booklet A (question 39 in booklet B) asks how the sentence, “At this point Inmate Henderson became upset and demanded to speak to the custody staff supervisor, who at the time was Sergeant Cruz,” which begins on Line 20, should be improved. The keyed response is option c, “At this point Inmate Henderson became upset and demanded to speak to the custody staff supervisor, who at the time was Sergeant Cruz.” Upon review of this item during the appeal process, Test Development and Analytics determined that there was no difference between option d, “The sentence is correct as written and does not require revision,” and option c. As such, the item was double keyed to option c and option d prior to the lists being issued.

Question 46 in booklet A (question 41 in booklet B) asks for the change that must be made to the first paragraph (Lines 1-9)¹⁰ in Sergeant Cruz’s incident report

¹⁰ Lines 1-9 of the Sergeant Cruz Incident Report provide:

in order to improve the overall quality of the report. The keyed response is option a, “The report should be written in chronological order.” Mr. Carter argues that all of the answer choices are inaccurate. With respect to option a, he contends that “the Sergeant was not involved in the actual incident . . . He is reporting only on an aspect of the incident [and] not reporting the initial incident, only referencing the incident. This suggests to me that his report is written in chronological order from [t]his point forward.” Mr. Kijowski contends that both option a and option c, “The line ‘I had to...’ which begins on Line 1, contains an opinion and should be removed from the report,” are equally correct. With respect to option c, the sentence which begins on Line 1 is, “One May 9 I had to reverse a decision made by an officer under my supervision.” In this sentence, Sergeant Cruz describes an action he performed and thus, is a fact. With respect to option a, given that the Sergeant was only involved in the review of the corrective action administered by Officer Carson, it would be inappropriate to present the incident in chronological order. As such, Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

Question 48 in booklet A (question 43 in booklet B) asks how the sentence, “With Officer Walton standing close by, Inmate Grant and Inmate Henderson were told to enter,” which begins on Line 4, can be improved. The keyed response is option c, “With Officer Walton and Inmate Grant standing close by, Inmate Henderson was told to enter.” Mr. Kijowski maintains that option d is equally correct. In this regard, he contends that “if the reader looks at the prior and following sentence structures, selection (c) would be correct, because the other inmate was not ordered to enter his cell. However, in just reading the specified line, selection (d) would be correct indicating no change.” Mr. McGee presents that option c “doesn’t make any sense due to the fact that an Officer and Inmate would never be ‘standing close by’ while another inmate was told to enter the cell.” Given that the sentence provided in the report indicates Officer Walton is standing close by, it is not clear why Officer Walton and Inmate Grant are standing close by in option c. As such, Test Development and Analytics determined to rekey this item to option d, “The sentence is correct as written and does not require revision.”

Question 49 in booklet A (question 44 in booklet B) asks how the sentence, “Inmate Hen[d]erson did not comply with the initial or second command to do so,”

Line 1 On May 9 I had to reverse a decision made by an officer under my supervision. I
Line 2 issued a verbal warning to an inmate who was given a different corrective action.
Line 3 The incident began the day before when Officer Carson confronted Inmate
Line 4 Henderson and instructed him to lock-in. With Officer Walton standing close by, Inmate
Line 5 Grant and Inmate Henderson were told to enter. Inmate Henderson did not comply with
Line 6 the initial or second command to do so. Prior to instructing him again, Inmate
Line 7 Henderson entered his cell and the incident came to a close. At that time, Officer
Line 8 Carson sanctioned him for the minor infraction. However, he never informed me of this
Line 9 corrective action.

which begins on Line 5, should be improved. It is noted that all of the answer choices presented to candidates refer to the sentence which begins on line 11, "When he approached the cell of Inmate Hen[d]erson and Grant, only Inmate Grant was permitted to exit." Given this, Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

For question 50 in booklet A (question 45 in booklet B), since Mr. Kijowski selected the correct response, his appeal of this item is moot.

For question 54 in booklet A (question 49 in booklet B), since Mr. Kijowski selected the correct response, his appeal of this item is moot.

Question 55 in booklet A (question 50 in booklet B) indicates that before submitting his incident report, Officer Carson informs Sergeant Cruz that Inmate Henderson has a bad reputation among other officers. Many other officers routinely complain that he likes to get staff members in trouble by making up false complaints. Officer Carson says Inmate Henderson's actions are common knowledge among most custody staff. Officer Carson asks Sergeant Cruz how he should describe this reputation in his report. Candidates were required to complete the following sentence, "He should be told that . . ." The keyed response is option d, "the report should be written to defend the actions of Officer Carson." Upon review of this item during the appeal process, Test Development and Analytics determined that this item had been miskeyed and the key was corrected to option c, "the incident should be described as it happened without favoring or defending any of the parties involved," prior to the lists being issued.

Questions 56 through 70 in booklet A (questions 1 through 15 in booklet B) refer to Gladwin and McConnell, *supra*.

Question 56 in booklet A (question 3 in booklet B) indicates that a staff member in your facility was assaulted while trying to remove an inmate from his cell. In response to this, senior level supervisors have instructed you to revise and implement new procedures for officer/inmate interactions. The question asks for the first step in preparing for, and managing, this type of change. The keyed response is option c, "fully evaluate the change and the potential impact it will have on the officers." Mr. Carter maintains that option a, "involve the officers in revising the procedures by asking for feedback," is the best response. Specifically, Mr. Carter refers to the text¹¹ and argues that "voluntarily or involuntarily the

¹¹Mr. Carter refers to the section entitled, "The Basic Decision Making Process," under the subheading, "Identifying the Problem," which provides, "if, for instance, a backlog occurs in the sentence computation process, you may feel the need to do something about it. Perhaps you authorize overtime or give the employee involved some temporary help and in a few days the backlog

employees are being involved in dealing with the problem. Without employee involvement how would a manager know there is a problem or correct it?" Mr. Kijowski argues that option a is equally correct. In this regard, he presents that the text "requires a supervisor to review and evaluate tasks prior to making changes, thus selection (c) would be correct." Gladwin and McConnell provide, under the heading, "Guidelines for Effective Management of Change," the following:

There are a number of specific steps an effective manager can take to prepare for and manage change.

- *Plan thoroughly.* Fully evaluate the potential change, examining all implications to its potential impact on your department and the total organization.
- *Communicate fully.* Fully explain the change, starting well in advance, and ensure your employees are not taken by surprise. To the extent possible, make it two-way communication; pave the way for employee involvement by soliciting their comments or suggestions.
- *Convince employees.* As necessary, take steps to convince your employees of the value and benefits of the proposed change. When possible, appeal to employee self-interest. Let them know how they stand to benefit from the change and how it may perhaps make their work easier.
- *Involve employees when possible.* Recognize that it is not possible to involve employees in all changes; a line manager cannot do much about a clear mandate from above. But involvement is nevertheless possible on many occasions. Be especially aware of the value of line employees as a source of job knowledge. Tap this source not only for the acceptance of change but for the development of genuine improvements as well.
- *Monitor implementation.* As with the implementation of any decision, monitor the implementation of any change. This is especially true for those changes involving employee task performance- -increase supervision until the new way is established as part of the accepted work pattern . . .

Gladwin and McConnell indicate that a manager should "fully evaluate the potential change" before involving employees in the process. Thus, utilizing option a as a first step is not in accord with the strategy outlined in the text. As such, the question is correct as keyed.

is gone and the computation specialist is current with incoming work. A few days later, however, you notice that a backlog is again growing . . . In reducing the backlog you treated a symptom."

For question 57 in booklet A (question 1 in booklet B), since Mr. Ortiz selected the correct response, his appeal of this item is moot.

Question 58 in booklet A (question 2 in booklet B) indicates that your supervisor has assigned you a project which requires you to reduce the amount of time inmates spend being processed through the intake unit. Specifically, your supervisor feels that the classification process, which includes an officer completing a questionnaire regarding the inmate's criminal history, can be improved. The question requires candidates to complete the following sentence, "Now that you have been assigned this project to improve the methods during intake, your next step should be to . . ." The keyed response is option a, "learn how the task is being currently completed so you have a thorough understanding of the task." Since Mr. Kijowski selected the correct response, his appeal of this item is moot. Mr. Carter argues that option c, "develop an improved method for the task by consulting those who are currently assigned to complete it most often," is the best response. In this regard, he maintains that option c "provide[s] more detail . . . by explaining exactly how the manager would go about learning how a job is performed." He refers to the text which provides, "Whenever possible (and especially when it affects the way they perform their assigned tasks), involve employees in shaping the details and implementation of the change" and "employees know the work in ways a supervisor may never know . . ." Gladwin and McConnell, under the section entitled, "The Methods Improvement Approach," indicate that "successful methods improvement ordinarily begins with concentration on a single, specific task . . . Simply select one task or isolate one problem – one that is causing trouble or one that some members of the department feel could be done more efficiently – and go to work." Gladwin and McConnell indicate that "the next step is to learn thoroughly how the task is done now, everything one could possibly learn about the way the job is being performed." The authors further indicate that after it has been determined how the task is currently performed and all of the information gathered has been subjected to intensive scrutiny and analysis, then one may develop an improved method. Thus, the question is correct as keyed.

Question 59 in booklet A (question 4 in booklet B) indicates that supervisors participate in many activities that are critical to the day-to-day functioning of a correctional facility. One such activity involves the process of assigning specific resources or focusing certain efforts to accomplish specific tasks as required. The question requires candidates to complete the following sentence, "According to Gladwin and McConnell, this is an example of . . ." The keyed response is option b, Directing. Mr. Scott asserts that option d, Coordinating, is equally correct.¹² He refers to the text, "under the section labeled COORDINATING, the first sentences states: 'It has been suggested that coordinating – the blending of activities and timing of events – might legitimately be considered a part of the directing function.

¹² Mr. Scott selected option c, Organizing.

That idea is worth considering separately out of recognition of its importance to the supervisor.” Gladwin and McConnell define “directing” as “the process of assigning specific resources or focusing certain efforts to accomplish specific tasks as required.” They define “coordinating” as “the process of integrating activities and balancing tasks so that appropriate actions take place within the proper physical and temporal relationships.” While coordinating may be considered a subset of the directing function, the question clearly indicates the definition of “directing” as provided in the text. As such, option b is the best response.

Question 62 in booklet A (question 7 in booklet B) indicates that your manager has asked for you to review the facility’s performance appraisal system and while researching this project, you come across an appraisal system which requires the evaluator to assign their subordinates into one of four groups. Twenty-five percent of subordinates must be placed in the top category, 50% of employees must be placed in the middle category, and 25% of subordinates must be placed in the bottom category. The question requires candidates to complete the following sentence, “According to Gladwin and McConnell, this approach to the performance appraisal system is an example of the . . .” The keyed response is option b, “Forced Distribution method.” Mr. Merola, who misidentified this item as question 48 in booklet A (question 43 in booklet B), argues that “the current system which is in use to evaluate N.J.D.O.C. employees is a performance assessment review which is based only on the performance of that individual employee only and does not rank or base the employee evaluation on any comparison of percentage to any other employees performance.” As noted previously, the question specifically refers to the Gladwin and McConnell text. Under the section entitled, “Forced Distribution,” Gladwin and McConnell state that “this method prevents the manager from clustering all employees in any particular part of the scale. It requires the evaluator to distribute the ratings in a pattern conforming to a normal frequency distribution. The supervisor must place, for instance, 10% of the employees in the top category, 20% in the next higher category, 40% in the middle bracket, and so on . . .” Thus, the question is correct as keyed.

Question 66 in booklet A (question 9 in booklet B) indicates that as a supervisor, you communicate with three groups within your organization: your superiors, your subordinates, and your peers. You can influence the level of communication based on how often you talk to others and how encouraging you are for others to talk to you. The question asks, according to Gladwin and McConnell, for the true statement. The keyed response is option c, “The least amount of control you have in the communication process is from your superiors to you.” Mr. Soto argues that option b, “The least amount of control you have in the communication process is from you to your peers,” is the best response. He refers to the text which states, “A manager has considerably less control over the information arriving by way of line 4, the channel running from other organizational elements. There is no supervisory relationship (either up or down) between the manager and any of these

people. It is possible that some personal or organizational factors may convey some implied authority with some of these people, but no formal authority will exist with many of them.”¹³ However, the text further provides, “The one channel of communication that has not yet been discussed is line 6 - from your superior to you. This area often presents more problems than the others. It is in this channel that a subordinate manager stands the least chance of exerting any appreciable measure of control. Developing a sound communicating relationship with your immediate superior deserves special attention.” Thus, the text indicates that the manager has the *least* amount of control in the communication process from his or her superior. 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.

¹³ The text provides, under the section entitled, “The Manager’s Role in Organizational Communication,” the following diagram:



