

#### STATE OF NEW JERSEY

In the Matter of Graham Koshnick, et al., Police Lieutenant, various jurisdictions

# FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-1749, et al.

Examination Appeal

ISSUED: **QCT** 1 9 2016 (JH)

Graham Koshnick, Christopher Schwindt and Edward Zimmerman (PM1209T), Belleville; Christopher Parise (PM1232T), Jackson: Philip Olivo (PM1251T), Pennsauken; Richard Wojaczyk (PM1263T), South Amboy; and Philip Ortega (PM1271T), Woodbridge; appeal the examination for Police Lieutenant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on October 22, 2015 and consisted of 80 multiple choice questions.

Mr. Parise presents that he was only provided with 30 minutes for review and his ability to take notes on exam items was severely curtailed.

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.

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

Question 6 indicates that your chief assigns you to handle the Internal Affairs function in your department. In addition to investigating allegations of misconduct by members of the department, under the Attorney General's Internal Affairs Policy and Procedures, you also have the responsibility to receive notification of, and document, certain events/activities when they occur. Candidates were presented with four statements and required to determine, according to the Attorney General's guidelines, of which Internal Affairs shall be notified and documented. The keyed response, option c, did not include statement I, "Use of Force incidents, regardless of whether anyone is injured." Mr. Olivo maintains that "under the Risk Management Procedures section of the Internal Affairs Guideline Policy and Procedures, there is a bulleted list which includes some of the measures that should be considered in the 'early warning system[.]' Among the listed items is: - Incidents of force usage, including firearms discharge and use of less lethal nondeadly force . . ." Under the section entitled, "Risk Management Procedures," the Internal Affairs Policy provides, "Law enforcement agencies may also wish to consider implementing a specific mechanism to track employee behavior. These mechanisms have been called several things, but the most common term is 'early warning system' . . . Some of the measures that should be considered in the 'early warning system' are: 'Motor vehicle stop data[;] Search and seizure data[;] · Internal complaints, regardless of outcome[;] · Civil actions filed, regardless of outcome[;] . Incidents of force usage, including firearms discharge and use of less lethal non-deadly force . . . " Thus, an "early warning system" is not a requirement under the Internal Affairs Policy. Furthermore, the question does not indicate that the Internal Affairs function in your department utilizes an "early warning system." Moreover, the bulleted example cited by Mr. Olivo does not clearly indicate, "regardless of whether anyone is injured." According to the Attorney General's Internal Affairs Policy and Procedures (revised July 2014) (Internal Affairs Policy), under the section entitled, "Duties and Responsibilities":

The internal affairs unit or officer will investigate alleged misconduct by members of the department and review the adjudication of minor complaints handled by supervisors. In addition, internal affairs shall be notified of and document all firearms discharges by department personnel that are not related to training, all use of force incidents that result in injury to a defendant or a third party, all vehicular pursuits undertaken by department personnel and all collisions involving department vehicles. Once notification has been received, internal affairs will determine whether additional investigation is necessary. (emphasis added)

Thus, the question is correct as keyed.

Question 7 indicates that Officer Martin just began working in your department after transferring from an agency in South Carolina. You are asked about Officer Martin's need for domestic violence in-service training. The question refers to the Attorney General Guidelines on Mandatory In-Service Law Enforcement Training and asks when Officer Martin must receive domestic violence in-service training.\(^1\) Mr. Parise presents that "New Jersey, under most circumstances[,] does not allow out of state transfers. This area is regulated by the New Jersey Police Training Commission. The Police Training Act empowers the Police Training Commission (PTC) to exempt from training, or portions thereof, an individual who has successfully completed a police training course . . . that is substantially equivalent to the New Jersey Basic Course for Police Officers." Even assuming that the transfer from South Carolina was valid,\(^2\) pursuant to the Police Training Act, \(N.J.S.A.\) 52:17B-68 (Authority to require training of policemen prior to permanent appointment; exception) provides:

Every municipality and county shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality and county shall require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school; provided, however, that the commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

The question stem does not indicate what, if any, of Officer Martin's previous training was accepted by the Police Training Commission or whether he had to complete additional training prior to his appointment. Thus, it is not clear whether Officer Martin is required to complete domestic violence in-service training within

<sup>&</sup>lt;sup>1</sup> The Attorney General Guidelines on Mandatory In-Service Law Enforcement Training (Revised April 2000) provides: "N.J.S.A. 2C:25-20 requires annual in-service training of at least four hours on domestic violence. Officers transferring to a new agency must receive training within 90 days from the date of transfer. Initial training now occurs as part of the Basic Course for Police Officers."

<sup>&</sup>lt;sup>2</sup> It is not clear how the out-of-state transfer was effectuated. In this regard, *N.J.A.C.* 4A:4-7.1(a) defines a transfer as the movement of a permanent employee between organizational units within the same governmental jurisdiction. *N.J.A.C.* 4A:4-7.1A defines an intergovernmental transfer, in pertinent part, as the movement of a permanent employee between governmental jurisdictions operating under Title 11A, New Jersey Statutes.

90 days of his transfer. Given the above, the Division of Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

Question 19 provides:

Two officers under your command responded to a robbery. Holiday, a security guard at a local housing complex, told them that he had just finished his 4 p.m. to 12 a.m. shift when he entered his car and waited at the exit for traffic to pass. At this time, a man approached him and asked for \$5. Holiday recognized the man as a resident of the complex, whom he'd seen around the area on a daily basis, but whose name he did not know. When Holiday told the man he had no money, the man punched Holiday in the face and neck, rendering Holiday unconscious. When Holiday awoke, he was bleeding and his car was gone. When the officers arrived, Holiday described the man as a Hispanic male, about 5'7," with a husky build and a scar on his face, wearing something white and red. Holiday was then transported to the hospital for treatment. A short time later, other officers arrested Carlos Hernandez for driving while intoxicated, after he was involved in a traffic accident while driving Holiday's car. Officers told Holiday that they found his car with someone in it and they wanted Holiday to come with them to identify the person, thus arranging a show-up identification procedure. When the officers took Holiday to another hospital, where Hernandez was being treated, Holiday entered the emergency room and looked around. As soon as he spotted Hernandez, he identified him as the man who had attacked him. There were no other people in the emergency room except for the police officers and nurses. The identification took place approximately five hours after the offense had occurred.

The question indicates that the officers arrested Hernandez and now ask if you think Holiday's identification of Hernandez and Hernandez's subsequent arrest will be thrown out due to their use of the show-up identification procedure. The question asks, based upon relevant case law, what you should tell them. The keyed response is option d, The evidence will be "admissible because Holiday's identification of Hernandez was inherently reliable, based upon Holiday recognizing Hernandez from seeing him on a daily basis." It is noted that the above scenario is taken from State v. Herrera, 187 N.J. 493 (2006). Mr. Zimmerman argues that "under the law today, a 5 (five) hour gap in time before a show up identification would be inadmissible in court. The time frame for show up identification was discussed in . . . State of New Jersey v. Henderson [in] 2011." He contends that as

<sup>&</sup>lt;sup>3</sup> Although Mr. Zimmerman does not provide a citation, he appears to be referring to *State v. Henderson*, 208 N.J. 208 (2011).

a result of Henderson, supra, "the New Jersey Division of Criminal Justice provided county prosecutors with procedure worksheets . . . [which] clearly stat[e], 'if more than two hours have elapsed from the time of the incident, do not conduct a show up identification."4 The issue before the court in Herrera, supra, was whether the showup identification procedure used by the police was impermissibly suggestive and resulted in a substantial likelihood of misidentification. Using the two-part Manson/Madison<sup>5</sup> analysis<sup>6</sup> to determine the admissibility of the eyewitness identification, the court in Herrera, supra, first determined that the suggestiveness inherent in a showup identification coupled with comments made by the police rendered the showup identification of Herrera impermissibly suggestive. See id. at 506. Next, the court noted that the security guard had observed Herrera "in the area almost daily" and he had sufficient opportunity to observe Herrera during the attack. See id. at 507. Thus, the court concluded that "an approximate five-hour period between the incident and the identification does not subvert the reliability of the identification procedure." Id. at 508. In Henderson, supra, the court noted that the Manson/Madison test did not provide a sufficient measure for reliability and determined that a revised framework was necessary.8 The court outlined the revised approach for evaluating identification evidence as follows:

<sup>&</sup>lt;sup>4</sup>The Attorney General Revised Model Eyewitness Identification Procedure Worksheets (October 4, 2012), indicates that "pursuant to the Attorney General's instructions, on August 24, 2012, the Division of Criminal Justice provided County Prosecutors with model worksheets that law enforcement officers might use to quickly and accurately document the steps that were taken while conducting eyewitness identification procedures (photo arrays and showup identifications) . . . [P]olice departments are not required to use the model forms developed by the Division of Criminal Justice." (emphasis added)

<sup>&</sup>lt;sup>5</sup> See Manson v. Brathwaite, 432 U.S. 98 (1977) and State v. Madison, 109 N.J. 223 (1998).

<sup>&</sup>lt;sup>6</sup> This two-step analysis "requires the court first to ascertain whether the identification procedure was impermissibly suggestive, and, if so, whether the impermissibly suggestive procedure was nevertheless reliable. The totality of the circumstances must be considered in weighing the suggestive nature of the identification against the reliability of the identification." *Id.* at 503-504.

<sup>&</sup>lt;sup>7</sup> In this matter, the eyewitness was present in an apartment where a man was shot to death by two assailants, one of whom the eyewitness knew, but the other was a stranger. Thirteen days later, the police showed the eyewitness a photo array from which he identified Larry Henderson as the other assailant. After granting certification and hearing oral arguments, the court determined to appoint a Special Master to evaluate scientific and other evidence regarding eyewitness identification. See id. at 217.

<sup>&</sup>lt;sup>8</sup> In this regard, the court indicated that two changes were needed, "first, the revised framework should allow all relevant system *and* estimator variables to be explored and weighed at pretrial hearings when there is some actual evidence of suggestiveness; and second, courts should develop and use enhanced jury charges to assist jurors in evaluating eyewitness identification evidence." *Id.* at 288.

First, to obtain a pretrial hearing, a defendant has the initial burden of showing some evidence of suggestiveness that could lead to a mistaken identification. [citation omitted] That evidence, in general, must be tied to a system—and not an estimator—variable . . .

Second, the State must then offer proof to show that the proffered eyewitness identification is reliable—accounting for system and estimator variables—subject to the following: the court can end the hearing at any time if it finds from the testimony that defendant's threshold allegation of suggestiveness is groundless . . . [citation omitted]

Third, the ultimate burden remains on the defendant to prove a very substantial likelihood of irreparable misidentification. [citation omitted] To do so, a defendant can cross-examine eyewitnesses and police officials and present witnesses and other relevant evidence linked to system and estimator variables.

Fourth, if after weighing the evidence presented a court finds from the totality of the circumstances that defendant has demonstrated a very substantial likelihood of irreparable misidentification, the court should suppress the identification evidence. If the evidence is admitted, the court should provide appropriate, tailored jury instructions, as discussed further below.

To evaluate whether there is evidence of suggestiveness to trigger a hearing, courts should consider the following non-exhaustive list of system variables:

7. Showups. Did the police perform a showup more than two hours after an event? Did the police warn the witness that the suspect may not be the perpetrator and that the witness should not feel compelled to make an identification?

See id. at 288-289.

Thus, the court in *Henderson* did not find that "a 5 (five) hour gap in time before a show up identification would be inadmissible in court." Rather, the court indicated that the elapsed time between the event and the showup identification was a system variable to be taken into consideration. Moreover, Mr. Zimmerman has not

demonstrated that *Henderson*, *supra*, invalidates option d given the circumstances presented in the question.

# Question 24 indicates:

You are the station house commander during the overnight shift at your department when a call comes in of a loud party at a house on Main Street. There was a similar call at the same address earlier this month. At 2:15 a.m., you dispatch Sergeant Wright and several of your officers (some in plain clothes) to the address, where they hear loud music emanating from the house. Sergeant Wright knocks on the door and a male opens the door to allow the officers entry, but walks away before Sergeant Wright can speak to him. Sergeant Wright observes a crowd of people drinking beer and talking loudly inside. Several of the people appear intoxicated, but do not appear to need medical assistance or emergency aid. In an attempt to locate the responsible residents, Sergeant Wright repeatedly shouts, 'who lives here,' but no one responds. Sergeant Wright orders the officers to fan out and search the house in order to identify and locate the residents, clear out the party, abate the noise, and ensure that no individual is in need of medical assistance. During the fan-out search, while looking into a bedroom from the hallway, an officer observes atop a dresser two pills, a prescription pill bottle, empty plastic bags, and a black digital scale covered with white powder residue. The officer then enters the bedroom and finds additional pills in the pill bottle, which bears the name Steve Ryan, along with Ryan's identification cards sitting near the pills. He determines that the pills are Ecstasy and he seizes the items and returns downstairs. After locating three residents, one of them calls Ryan, who returns home, where he is arrested and charged with possession of a controlled dangerous substance. Sergeant Wright relates his actions to you.

The question asks, based upon relevant case law, what you should advise him concerning the search and Ryan's arrest. The keyed response is option d, "There was no objectively reasonable basis for the fan-out search; therefore, the search and arrest were unlawful." It is noted that the above scenario is taken from *State v. Kaltner*, 420 *N.J. Super.* 524 (App. Div. 2011): Mr. Parise contends that "various aspects of the case, which greatly influenced the Superior Court's decision, were not included or remotely mentioned in the body of the question." Specifically, he maintains:

In the actual case, testimony was given related to the City of Long Branch noise ordinance and indicated between 120 and 150 people were present throughout the residence, including the basement and upper floors. There were no objections given and in the actual case it was accepted that the officer's entry into the residence was lawful. In the case discussion, there were credibility issues and substantial questions raised about how many people were present along with how much time elapsed in their effort to locate the owner in a way other than physically intruding upon other areas of the home.

Mr. Parise further argues that "when hosting a loud 'college' party with 120 to 150 intoxicated people inside a residential home, the defendant certainly had no expectation of privacy in his home so that the police conduct therein did not constitute a search and that even if it did, the police acted reasonably in their community caretaking and exigent circumstances function to abate the ongoing noise and locate anyone in need of assistance." In Kaltner, supra, while the court noted that the City of Long Branch had a noise ordinance, it was not a determining factor in its analysis. In addition, although Mr. Parise claims that "there were credibility issues and substantial questions raised about how many people were present along with how much time elapsed in their effort to locate the owner in a way other than physically intruding upon other areas of the home," the court further noted:

At the close of evidence, the motion judge made certain credibility determinations to which we defer, [citation omitted], and certain factual findings that are supported by substantial credible evidence in the record. [citation omitted] First, the judge credited the testimony of Officer Camacho as to the 'size and scope' of the party and '[t]he volume of the voices that were there.' The judge also found that the unidentified adult male who answered the door invited the police inside, at least into 'the common area of the home.' Then, distinguishing between consent to enter the premises and consent to search inside, the judge concluded that the police officers unlawfully extended their search beyond entry into the first floor main living area

While Mr. Parise also claims that there was no expectation of privacy, the court determined that "there was no open invitation to the public to enter the premises. Although crowded and noisy, there is no evidence that the party was an 'open house.' Merely because some in attendance were mutual friends of invited guests did not mean that total strangers would be freely admitted or welcomed. Under those circumstances . . ., we do not view as any lessened or diminished the legitimate expectation of privacy that defendant, who was not even present at the party, continued to enjoy in his residence . . ." Id. at 534-535. Further, the court noted that "the community caretaking doctrine does not fit neatly with the 'exigent circumstances' or 'emergency aid' constructs and therefore their analytical framework is inapposite to a consideration of whether such police action is

constitutionally tolerable . . . Thus, the relevant question in community caretaking situations focuses not on the compelling need for immediate action or the time needed to secure a warrant, but instead on the objective reasonableness of the police action in executing their service function. [citation omitted]" Id. at 541. In this regard, the court determined:

Governed thusly by the reasonableness standard, and weighing all of its component competing interests, we conclude that the police action in this instance was not constitutionally permitted. Although police entry into the dwelling was initially justified, their subsequent action in fanning out and conducting, in essence, a full-blown search of the home was neither reasonably related in scope to the circumstances that justified the entry in the first place nor carried out in a manner consistent with the factors supporting the entry's initial legitimacy. *Id.* at 544.

Accordingly, the question is correct as keyed.

Question 44 refers to Kären M. Hess, Christine Hess Orthmann and Shaun LaDue, Management and Supervision in Law Enforcement (7th ed. 2016). The question indicates that by noon tomorrow, your chief wants to have a list of personnel who are willing to represent the department at your town's Community Fair. You are writing an email to your subordinates, asking whether they are interested in volunteering. Since you are going to be out tomorrow, you need to receive their responses today so that you can respond to the chief before you leave. The question asks, based on the text, for the best sentence to include in your email. The keyed response is option b, Please respond "by the end of today's shift." Messrs. Koshnick and Schwindt assert that option d, "as soon as possible," is the best response. Specifically, Mr. Koshnick maintains that "as soon as possible" is not listed in the text as an abstract word or phrase to be avoided.9 In addition, he asserts that the keyed response "would put the lieutenant in a position where he would be responding to his chief right before leaving for the day. The chief would not have time to review the information and plan accordingly.10 ASAP is a more effective term used by the military and law enforcement for years. It conveys a sense of urgency . . ." Mr. Schwindt contends that "by choosing as soon as possible,

<sup>&</sup>lt;sup>9</sup> The text states, "Avoid abstract words and generalities that blur messages and result in miscommunication . . . What does *at your earliest convenience* mean? It would be clearer to give the date by which you would like something done."

<sup>&</sup>lt;sup>10</sup>The chief has requested that the information be provided to him by noon the next day and you intend to provide this information prior to the chief's deadline. Thus, it is not clear why Mr. Koshnick posits that "the chief would not have time to review the information and plan accordingly" by doing so.

the supervisor is indicating that this is an urgent situation compounded by the fact that he will not be at work after this shift and will not be around for the parade as well. If this supervisor waits till [the] end of his shift to receive and review all responses how would he be able to assign officers to work when technically he would have concluded his shift unless he remained till after his shift was over. In emergent situations where time is a factor, answers are needed immediately not always by a specific time and even more so in police work where scheduling conflicts and assignments routinely happen on a daily basis and require immediate responses. The phrase "as soon as possible" does not provide a clear, specific deadline. If your subordinates have a number of assignments or tasks that must be completed "as soon as possible," your request will have to be balanced against other tasks. As such, due to conflicting priorities, you may not receive their replies by the end of your shift. By providing a specific deadline, your subordinates will be able to plan their tasks accordingly. Thus, option b is the best response.

Question 64 refers to Hess, Orthmann and LaDue, supra. The question indicates that there has been some reorganizing in your department and you notice that your subordinates do not seem as motivated to do their job as they used to. You consider whether it would be helpful to meet with your subordinates and give them an opportunity to talk about what is bothering them. After thinking it over, you decide that holding this meeting would actually do more harm than good since it would have your subordinates focus on the negative feelings they are experiencing. Therefore, you decide the best thing to do is to not hold a meeting or take any other action to try to alleviate the problem, hoping that it will resolve itself on its own. The text describes thinking traps that can interfere with decision making. The question asks for the thinking trap that was most exhibited in this situation. The keyed response is option a, "Being stuck in black/white, either/or Mr. Koshnick maintains that option a and option b, "not using imagination," are the best responses but "neither of these choices, however, use information which can be drawn from the text. Black/white either/or states 'people caught in this trap think that if one answer is bad the other must be good[.'] Not using imagination states people who fall into this trap are too tied to data and statistics. Neither of these choices fit with the example given in the test question." Mr. Ortega contends that option c, "Being a victim of personal habits and prejudices," is the best response. He asserts that "by not asking questions (speaking to subordinates) the supervisor became a victim of personal habits and prejudices . . . Also as per prejudices in the answer, not speaking to subordinates because you have prejudged their reaction, that it would be of no use; this also gives credibility to this answer." With respect to the keyed response, he maintains that "there was no question posed in the stem that either had a good or bad answer. The reasons for speaking to subordinates was to discuss lack of motivation due to a

<sup>&</sup>lt;sup>11</sup> The question indicates that the chief has requested a list of names and does not indicate that you are required to perform any additional tasks or provide anything further at this point.

policy change. Also, the supervisor did not pick either or, what I mean is he was not undecided and let the decision come without his deciding action." Under the section entitled, "Thinking Traps and Mental Locks," the text provides:

Being stuck in black/white, either/or thinking. People caught in this trap think that if one answer is bad, the other must be good. This kind of thinking causes people to miss intermediate solutions. Brainstorming many alternatives will help overcome this trap...

Being a victim of personal habits and prejudices. "We've always done it that way" thinking can keep programs from moving forward. You can avoid this trap by asking questions such as, Who else can we serve? How can we do it differently? What more might we do?

Not using imagination. People who fall into this trap are too tied to data and statistics. They do not risk using their intuition. To bypass this trap, practice brainstorming and creative thinking – think laterally, horizontally, and vertically. Take the risk of going with your hunches.

The question indicates that you decide that holding a meeting where your subordinates may talk about what is bothering them is "bad" and thus, not holding a meeting is "good." In this regard, you determined that there were only two options to deal with this matter: hold a meeting or do not hold a meeting. You did not consider any other alternatives to resolve this situation. Thus, you remained in the black/white either/or thinking trap. As such, the question is correct as keyed.

Question 67 refers to the Secondary Employment Policy provided to candidates in the test booklet. The question indicates that Officer Jones worked at a police related secondary employment job site for two hours last week and he was paid a total of \$40.00. The question asks, based on the policy, for the conclusion that can correctly be drawn about Officer Jones' pay. The keyed response is option a, "The policy was violated." Messrs. Koshnick, Olivo and Wojaczyk argue that option c, "More information is needed to determine whether or not the policy was violated," is the best response. Specifically, Mr. Koshnick presents that "all payroll checks are subject to deductions. The question simply stated he was paid a 'total' of \$40. Was it a gross total? Was it a net total?" Mr. Olivo adds that the question did not indicate "how many days the employee worked, if the hours were consecutive or if the time was donated. The employee could have worked 1 hour for \$40.00 and donated his time for the other hour on another day or later in the same day." Mr. Wojaczyk contends that "one must assume the officer worked for \$20 an hour, thus violating the policy. [However,] one could also assume that the officer was working for \$40 an hour, and that he or she was paid for one hour and donated the second hour. This would not be a violation of the policy." The Secondary Employment

Policy defines secondary employment as "any supplemental employment for salaries, wages, commission, or in kind compensation (such as reduced or free rent), as well as self-employment." The Secondary Employment Policy provides, under the section entitled, "Rates of Pay:"

- 1. Pay rates for officers will be up to the employer and officers selected to work a site. However, no officers will work police related employment for less than twenty-five dollars (\$25.00) per hour . . .
- 3. Any officers who wish to donate their time while performing police related security for the purpose of assisting various civic, religious, or other types of organizations may do so at the discretion of the Chief of Police.

Initially, it is noted that the question specifically states that Officer Jones worked at a police related secondary employment job site and does not indicate that he donated any of his time at this site. Furthermore, the Secondary Employment Policy, as indicated above, does not discuss gross pay, net pay or payroll deductions. Thus, candidates were not required to determine whether the \$40.00 was subject to any type of deduction. Accordingly, the question is correct as keyed.

## CONCLUSION

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

### <u>ORDER</u>

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 19TH DAY OF OCTOBER, 2016

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries

and

Director

Correspondence

Division of Appeals and Regulatory Affairs

Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

c: Graham Koshnick (2016-1749)

Christopher Schwindt (2016-1722)

Edward Zimmerman (2016- 1774)

Christopher Parise (2016-1835)

Philip Olivo (2016-1837)

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