



**STATE OF NEW JERSEY**

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

In the Matter of Donato Serafino,  
County Correction Sergeant  
(PC2928W), Union County

Examination Appeal

CSC Docket No. 2019-3659

**ISSUED: SEPTEMBER 12, 2019 (ABR)**

Donato Serafino appeals the promotional examination for County Correction Sergeant (PC2928W), Union County.

The subject examination was administered on May 2, 2019 and consisted of 70 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A (County Correction Sergeant Supplemental Examination Material) and Booklet B (2019 County Correction Sergeant Examination).

The appellant's appeal involves Questions 36, 51, 56 and 59 on the examination.

Question 36 states the following

COs Ludlam and Banks went to Inmate Klinefelter's cell to escort him to protective custody. Earlier that day, Inmate Klinefelter reported that he believed there were inmates in the housing unit planning to attack him. When the COs approached Inmate Klinefelter's cell, Inmate Klinefelter apologized for the inconvenience; he said there is no reason to move him and he was just being paranoid when he thought he might be attacked. Inmate Klinefelter is now refusing to leave. The officers then inform you of the situation.

The question asks what should be done first to handle the situation. The keyed response is option c, to “[g]o to Inmate Klinefelter’s cell to explain that he must be moved and assure him that he will be safe in his new placement.” The appellant argues that the best response is option b, to “assemble an extraction team to remove Inmate Klinefelter from his cell and bring him to protective custody.” In this regard, he cites the Civil Service Commission’s (Commission) review of Question 28 on the 2017 County Correction Lieutenant examination (2017 CC Lt. Scenario) in *In the Matter of Curtis Langley, et al.* (CSC, decided August 16, 2017) (*Langley*). Specifically, he submits that the 2017 CC Lt. Scenario indicated that an inmate with a history of mental illness had been yelling derogatory comments from her cell about officers and other inmates and had refused orders to stop, and that the Commission’s decision in *Langley* stated that the Division of Test Development and Analytics (TDA) chose to double key the item, based upon Subject Matter Experts (SMEs) finding that assembling a team and removing the inmate from her cell and going to the inmate to talk and see what is wrong were both correct responses to the situation. As such, he maintains that Question 36 on the subject examination should be double keyed.

Question 51 involves a hunger strike by an inmate currently housed in the Medical Unit who is unsatisfied with his cell accommodations. The question states that the inmate is an insulin-dependent diabetic. At 0530 (first meal of the day), a CO reports to Sergeant Kalim that he could not get Inmate Mitchko to wake up. The question asks for the best way for Sergeant Kalim to handle the situation at this point. The keyed response is option b, to call a Code Blue to have the inmate treated by medical staff. The appellant argues that the best response is option a, to notify Lieutenant Baker about the situation. In this regard, he cites the Commission’s review of Question 49 on the 2017 County Correction Captain examination (2017 CC Captain Scenario) in *In the Matter of Eric Matlock, et al.* (CSC, decided August 16, 2017) (*Matlock*). Specifically, he notes that the 2017 CC Captain Scenario involved an inmate in the medical wing yelling and cursing at staff and other inmates and that the keyed response was to have a superior officer report to the Medical Wing to investigate the situation. He submits that the Commission found that a Code Blue was not the best response to the 2017 CC Captain Scenario, in part, because the inmate was already under the care of a physician in the Medical Unit and that the end result of a Code Blue would be to move an inmate to the Medical Unit.

Question 56 states that “[d]uring medication distribution in Housing Unit South, Inmate Goldstein refused to put his pants on to receive his medication after being ordered to do so by CO Kim.” The question asks what the examinee should be done first after CO Kim informs the examinee about the situation. The keyed response is option b, to “[r]eport to the housing unit and order Inmate Goldstein to put on his pants.” The appellant argues that the keyed response and option c, to “[f]orm an extraction team to remove the inmate from his cell and bring him to

medical,” are both correct responses to the question. In this regard, he again cites TDA’s decision to double key the 2017 CC Lt. Scenario, as noted in *Langley, supra*, based upon the SMEs finding that assembling a team to remove the inmate from her cell and going to the inmate’s cell to see what is wrong were both correct responses to the situation presented in that question.

Question 59 states that during meal service in a housing block, a CO informs the examinee that there are three food trays that haven’t been collected, which indicates there are three inmates who are not eating. The question asks what the examinee should do first. The keyed response is option c, to conduct a search of the block to see who is not eating. The appellant argues that the best response is option a, to have the CO document the occurrence. In this regard, he asserts that a search is not necessary because the CO should be able to identify which inmates did not receive a meal, as the CO is required to directly supervise the meal service and record the distribution of meals, in accordance with *N.J.A.C. 10A:31-10.5(b)* and *N.J.A.C. 10A:31-10.5(c)*, respectively; and because Booklet A states that COs observe the meal distribution for each block.

## CONCLUSION

In the instant matter, with Question 36, the Commission notes that TDA double keyed the 2017 CC Lt. Scenario because there was ambiguity in the question. Specifically, SMEs noted that extracting the inmate would be appropriate in situations where the inmate’s yelling could agitate other inmates and potentially put the yelling inmate in danger, but that in other instances it would be appropriate to speak with the inmate. Conversely, the Commission does not find that the same ambiguity exists with Question 36 on the subject examination. In this regard, the Commission does not see any indication that the inmate is acting in a way that would put the inmate in danger, agitate the other inmates or otherwise immediately jeopardize security. As such, it would be best to try having the examinee, as a superior officer, speak with the inmate before resorting to using an extraction team. Accordingly, the Commission finds that the keyed response is the best response to Question 36.

As to Question 51, the appellant argues that based upon the Commission’s analysis of the 2017 CC Captain Scenario in *Matlock, supra.*, the action that Sergeant Kalim should take after learning that an insulin-dependent diabetic is not waking up is to call his superior rather than the keyed response of calling a Code Blue to have the inmate treated by medical staff. The Commission emphasizes that with the 2017 CC Captain Scenario, the predominant reason why it was inappropriate to call a Code Blue was that the inmate in that scenario was already under the care of a physician and that his headache did not constitute a medical emergency. Accordingly, the best course of action was to have the sergeant report to the Medical Wing to assess that situation. Here, the Commission notes that unlike

the 2017 CC Captain Scenario, Question 51 does not state that Inmate Mitchko is under the care of a physician. Further, TDA submits that Question 51 on the subject examination does present a medical emergency, as Inmate Mitchko is known to be an insulin-dependent diabetic and he is not waking up. Moreover, the SMEs state that a medical code should always be initiated in the case of a medical emergency, as it serves to notify both custody and medical staff about the situation and the need for an appropriate response. Therefore, the Commission agrees and finds that Question 51 is correct as keyed.

With regard to Question 56, the Commission notes that TDA double keyed the 2017 CC Lt. Scenario because there was ambiguity in the question. Specifically, SMEs noted that extracting the inmate would be appropriate in situations where the inmate's yelling could agitate other inmates and potentially put the yelling inmate in danger, but that in other instances it would be appropriate to speak with the inmate. Conversely, the Commission does not find that the same ambiguity exists with Question 56 on the subject examination. Specifically, the Commission does not see any indication that the inmate is acting in a way that would put the inmate in danger, agitate the other inmates or otherwise immediately jeopardize security. As such, it would be best to try having the examinee, as a superior officer, speak with the inmate before resorting to using an extraction team. Accordingly, the Commission finds that the keyed response is the best response to Question 56.

With Question 59, the appellant asserts that a search is unnecessary because the CO should know exactly who did not take a meal because of the requirement that staff supervise the distribution of meals and because of recordkeeping requirements set forth in *N.J.A.C.* 10A:31-10.5 and Booklet A. However, the Commission notes that these measures do not mean that a CO could specifically identify which inmates did not receive a meal. In this regard, it is noted that Booklet A states that meals are distributed through a pass through at the sally port for each block, not that they are delivered directly to each cell. Booklet A also indicates that most housing unit blocks contain 20 cells which can sleep up to two inmates each, meaning that there are potentially 40 inmates who may receive a meal at a time. Moreover, *N.J.A.C.* 10A:31-10.5(c) merely requires a count of the number of meals, not that a record of each inmate receiving each meal be maintained. As such, even though a CO may be overseeing the distribution and he or she would be expected to know the number of inmates receiving meals, the CO may not know which inmates may not have taken a meal. Therefore, a search would be needed to identify which inmates are not eating. Accordingly, Question 59 is correct as keyed.

## **ORDER**

Therefore, it is ordered that this appeal 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 10<sup>TH</sup> DAY OF SEPTEMBER, 2019

*Deirdre' L. Webster Cobb*

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