

B-42



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of John Haberbusch,
Deputy Warden (PC2343T),
Ocean County

Examination Appeal

CSC Docket No. 2017-1516

ISSUED: **JAN 23 2017** (RE)

John Haberbusch appeals his scores on the essay portion of the examination for Deputy Warden (PC2343T), Ocean County. It is noted that the appellant passed the examination with a final average of 73.500 and ranked third on the eligible list.

This examination was an assessment process, an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of two written essays, and the second part consisted of two oral portions, an emergency scenario and a human resources scenario. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the essays, candidates had two hours to respond to both, and they were given note paper to formulate their responses. The appellant provided his essay responses on September 7, 2016, which were typed on a computer and scored at a later date. Prior to the administration of the exam, the Division of Test Development and Analytics and Subject Matter Experts (SMEs) determined the scoring criteria. Scoring decisions were based on SME-approved possible courses of action (PCAs) that must be taken to resolve the situation as presented.

For the first essay, regarding increased inmate aggression, the appellant received a technical rating of 1, and a written communication rating of 4.5. On the second essay, regarding developing a new Standard Operating Procedure (SOP), the appellant received a technical rating of 1, and a written communication rating of 4.5.

The appellant challenges his scores for the technical portion of both essays. As a result, the appellant's test material and a listing of PCAs for the scenarios were reviewed.

The first essay indicated that, over the last six months, there has been increasing tension between the correctional staff and inmates at the facility. The inmates have been uncooperative and have oftentimes become aggressive towards officers. Question 1, part A, asked what should be considered to be potential sources of the aggression. Question 1, part B, asked for steps to be taken to address this problem.

For the technical component of the first essay, the assessor noted that, for part A, the appellant did not identify potential sources of increased aggression, such as the culture of the facility, gangs, and crowding/size of the facility. For part B, it was noted that the appellant did not identify steps to take to address inmate aggression, such as increasing managerial visibility and approachability, strict enforcement of rules and regulations, and ensuring all programs/services are up to standard. On appeal, the appellant argues that he stated that potential sources of increased aggression included dissatisfaction with food, medical attention, and living conditions. He argues that it is presumptuous to assume that anyone could write down every single possibility. For part B, the appellant stated that he would create a committee of civilians and sworn staff members, including those assigned to the security division, the classification unit, internal affairs, social services, mental health, and medical. He assigned the committee to interview inmates and staff to determine the issues. He argues that he could not take steps to address the problems before the issues were clarified.

In reply, a review of the appellant's examination materials indicates that he received credit for indicating some potential sources of aggression to be unsatisfactory facility conditions and services, and staff treatment. The appellant clearly missed several PCAs pertinent to this subject. For part B, the appellant received credit for establishing a committee. However, the remainder of the response did not address the specifics of the question, which asked for steps to take to address the problem. The problem does not need to be defined by the committee. Rather, the problem has been provided, namely, it is inmate aggression, the topic of the questions. The appellant's response missed the actions noted by the assessor, which justified his score.

The second essay tasked the candidate with developing an SOP for allowing civilians access to the facility for the purpose of participating in guided tours. The current policy states, "The Administrative Captain, or designee, will evaluate all requests for tours and approve or deny them, based on the potential impact on the jail." Candidates were told that this is all the information they had. Candidates were to write out a SOP for allowing civilians access to the facility for guided tours as if they were developing an actual SOP for their facility.

For the technical component of the second essay, the assessor noted that the appellant did not identify the following: age requirement of people on tour, maximum number of people who can tour at once, and the dress code of civilians on tour. It was noted that he also did not identify the purpose, procedure, or effective date of the SOP. On appeal, the appellant argues that he indicated that tours should be approved as long as safety and security is not compromised. He argues that this is the purpose of the SOP.

In reply, a review of the appellant's responses indicates that he missed many aspects of a proper SOP for civilians on guided tours of the facility, including those listed by the assessor, and many more. The appellant wrote, "Tours should be approved whenever possible as long as safety and security of the facility, our staff, and our inmates are not compromised." This reads like a rule or a directive, not a purpose, and it also ignores the safety of the civilians. The appellant's SOP was extremely brief and lacked the detail necessary for an appropriate SOP. He did not write out an SOP as if it were an actual SOP for the facility, and it consisted of two brief issues. The appellant's response did not appropriately address this specific topic and his score of 1 for this response is appropriate.

CONCLUSION

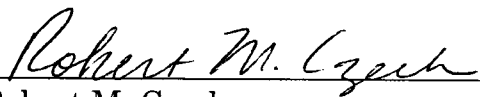
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 18th DAY OF JANUARY, 2017


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