



STATE OF NEW JERSEY

In the Matter of Cesare Coslop, <i>et al.</i> ,	:	FINAL ADMINISTRATIVE ACTION
Correctional Police Major (PS8871I),	:	OF THE
Department of Corrections	:	CIVIL SERVICE COMMISSION
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	:	
	:	
	:	
	:	Examination Appeal
	:	

CSC Docket Nos. 2019-3402, *et al.*

ISSUED: September 26, 2019 (JH)

Cesare Coslop, Scott Genereux, Ryan Meade, Otis Truitt, and Thomas Zwolinski appeal the examination for Correctional Police Major (PS8871I), Department of Corrections. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 2, 2019 and consisted of 70 multiple choice questions.

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

Question 11 indicates that Inmate Arnold is in an Administrative Close Supervision Unit. The question presents candidates with three statements and asks, according to *N.J.A.C.* 10A:5-3.12 (Correspondence, visits and telephone calls), for the opportunities that may be afforded to Inmate Arnold. Genereux argues that “this question should be removed from the scoring process due to giving employees who work in facilities with Administrative Close Supervision Units a clear advantage while studying and answering questions. All facilities deal with [c]harges, visits, trips, searches, and remedies, but only a few select few deal with Administrative Close Supervision Units and the opportunity to work in these facilities is extremely limited regardless of rank.” It is noted that the exam is designed to test candidates on the knowledge that is required to perform successfully in the subject title. Thus, if candidates must be familiar with Title 10A in order to perform the duties of a Correctional Police Major, then they must be

familiar with this title in its entirety. As such, the content of the subject examination was not limited to a specific unit. In addition, Title 10A is a public document. The availability of a public document is not a basis for an appeal.

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

Question 37 indicates that you have been working closely with a colleague who has body odor and although you are not friends, you would like to let him know about this issue. The question asks for the best way to tactfully address the issue of your colleague's body odor. The keyed response is option b, "Share with him some of the hygiene products you use to drop a hint about his hygiene." Coslop argues that this item should be omitted from scoring. In this regard, Coslop maintains that he "discussed the issue with an Equal Employment Division coordinator at the institution and . . . he stated that the only possible answer which could not be subject to complaints to his department by the offending employee was to notify a supervisor." Coslop further contends that "this question does not take into account the possibility of religious/cultural beliefs . . . [or] the possibility of a medical condition . . . which the employee has no obligation to discuss." Meade maintains that option a, "Bring up the matter with your colleague's supervisor," is the best response. Specifically, Meade contends that "the other answers could be viewed as harassment. NJDOC Policy directs that a supervisor will address all issues related to personal grooming. Furthermore, the colleague may have a medical condition causing the body odor which could qualify under the Americans with Disabilities Act." Genereux and Zwolinski assert that option c, "Tell your colleague bluntly that his body odor is distracting and that he should take care of it as soon as possible," is the best response. In this regard, Genereux argues that "dropping hints about my hygiene preferences could be ineffective and even misinterpreted as flirtatious which could lead to an unintended outcome." Zwolinski argues that "the subject matter is not a difficult situation to deal with as many custody staff are exposed to it on an almost daily basis . . . By being direct, it would greatly reduce possible embarrassment that an individual would endure if they weren't directly told about the body odor . . ." Truitt contends that option d, "Ask one of his friends if he notices the body odor and suggest that he speak with your colleague about it," is the best response. Truitt maintains that "if the offending person is a close work friend, being direct is a great strategy; however, if the person is not a friend being direct about a personal matter like body odor is inappropriate." The appellants refer to several articles regarding addressing body odor in the workplace.¹ Given that the

¹ Specifically, the appellants refer to sources which include: Allison Green, April 23, 2013, "how to talk to an employee about body odor," <https://www.askamanager.org/2013/04/how-to-talk-to-an-employee-odor.html>; Susan Sherwood, date not indicated, "How to Tell Someone They Have Body Odor," <https://people.howstuffworks.com/how-to-tell-someone-they-have-body-odor.htm>; Anna North, September 29, 2011, "How to Tell Someone They Smell Bad (And Other Awkward Conversations),"

lack of specificity as to what “colleague” in this situation means and given that being *tactful* may not necessarily coincide with effectively addressing the issue, the Division of Test Development and Analytics has determined to omit this item from scoring, prior to the list being issued.

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.

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.

<https://jezebel.com/how-to-tell-someone-they-smell-bad-and-other-awkward-c-5845104>; Nicole Home, August 3, 2017, “THAT AWKWARD QUESTION: How to tell a colleague they have body odour,” <https://blog.initial.co.za/that-awkward-question-how-to-tell-a-colleague-they-have-body-odour>; Krishna Reddy, date not indicated, “How to Talk to Employees about Body Odor: 20 Polite Ways,” <https://content.wisestep.com/talk-employees-body-odor-polite/>; Matt Villano, June 11, 2006, “The Scent of a Co-Worker,” <https://www.nytimes.com/2006/06/11/business/yourmoney/the-scent-of-a-coworker.html>; Jonathan Crowell, date not indicated, “How to Tell Someone They Have Body Odor,” <https://www.livestrong.com/article/89549-tell-someone-body-odor/>; Monica Torres, June 7, 2017, “How do you tell a coworker he smells bad?,” <https://www.theladders.com/career-advice/office-pet-peeves-smell-bad-loud-typer>; Kevin Kruse, May 21, 2018, “How To Tell An Employee They Smell,” <https://leadx.org/articles/how-do-you-tell-an-employee-they-smell/>; SESCO Management Consultants, May 21, 2018, “How to Talk to an Employee about Body Odor,” <https://sescomgt.com/news/detail/how-to-talk-with-an-employee-about-body-odor/201805211001475386>; Joseph Chris, July 5, 2017, “Dealing with Body Odor in the Workplace,” <http://www.josephchris.com/dealing-with-body-odor-in-the-workplace>; and Future of Working, date not indicated, “Body Odor in the Workplace,” <https://futureofworking.com/body-odor-in-the-workplace/>. Zwolinski further refers to “*Correctional Administration: Integrating Theory and Practice* by Richard P. Seiter” and “*Management and Supervision in Law Enforcement* by K[ä]ren Matison Hess and Christine Hess Orthman[n]” which do not specifically address body odor issues.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 25TH DAY OF SEPTEMBER, 2019

Deirdre' L. Webster Cobb

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Chairperson
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