



**STATE OF NEW JERSEY**

In the Matter of Terrence Covert, *et al.*, Police Captain, various jurisdictions

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

CSC Docket Nos. 2020-1297, *et al.*

Examination Appeal

**ISSUED:** January 16, 2020 (JH)

Terrence Covert (PM0848A), Brick; John Mayer (PM0857A), Elizabeth; Jaime Navarro (PM0881A), Paterson; Panagiotis Boulieris (PM0882A), Perth Amboy; William Tyler (PM0883A), Plainfield; and Michael Ng (PM0906A), Woodbridge; appeal the examination for Police Captain (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject exam consists of two parts: a multiple-choice portion and an oral portion. The multiple-choice (written) portion was administered on October 10, 2019 and consisted of 70 multiple choice questions.

Mayer, Ng and Tyler present that they were only provided with 30 minutes for review and they were not permitted to review their “actual test booklet[s] and [their] actual answer key[s].” In addition, they contend that their ability to take notes on exam items was severely curtailed. As such, they 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.

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

Question 16 indicates that you have just entered police headquarters and you overhear Sergeant Harlan speaking to a woman who is making a complaint about one of your department's officers. Sergeant Harlan is attempting to informally resolve the minor complaint that is based on a misunderstanding of the officer's duties. Candidates are required to complete the following sentence, "Based on the N.J. Attorney General's Internal Affairs Policy and Procedures, you should . . ." The keyed response is option b, "allow Sergeant Harlan to continue, since supervisors should be authorized to resolve minor complaints, whenever possible, at the time the report is made."<sup>1</sup> Ng maintains that this item "should be keyed as (D). Allow the supervisor to handle the complaint but have the citizen sign the internal affairs form and forward it to internal affairs."<sup>2</sup> It is noted that option d provides, "allow Sergeant Harlan to continue, as long as the complainant indicates on an Internal Affairs report form that she has authorized the attempted informal resolution of her complaint." The Policy does not require a complainant to authorize the attempted informal resolution process to take place. Rather, as indicated above, the Policy

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<sup>1</sup> The Policy provides, in pertinent part:

Supervisors should be authorized to informally resolve minor complaints, whenever possible, at the time the report is made. If the complainant is not satisfied with such a resolution, the complaint should be forwarded to internal affairs for further action as warranted. The process of informally resolving internal affairs complaints requires the exercise of discretion by supervisors. The proper exercise of discretion in such matters cannot be codified. Even if the citizen is satisfied with the informal resolution, the process should be recorded on an internal affairs report form. Regardless of the means of resolution, the integrity of the internal affairs process, particularly the receipt of citizen complaints, demands that all citizen complaints and inquiries be uniformly documented for future reference and tracking. The form should indicate that the matter was resolved to the satisfaction of the citizen and sent to internal affairs for review and filing.

<sup>2</sup> It is noted that "allow the supervisor to handle the complaint but have the citizen sign the internal affairs form and forward it to internal affairs" was not provided as an answer choice to candidates.

specifically provides that “supervisors should be authorized to informally resolve minor complaints.” As such, option d is not the best response.

For question 46, since Covert selected the correct response, his appeal of this item is moot.<sup>3</sup>

Question 60 refers to the South Bay Borough Police Department Special Event Policy and Procedures provided to candidates in the test booklet. The question indicates that South Bay Borough has received a grant from a local non-profit organization to assist in the cleanup efforts of the town’s parks and playgrounds. Along with paid professional teams, the town has asked for community volunteers to help in the cleanup efforts. The event is scheduled for Friday, April 25 from 10:00 a.m. to 2:00 p.m. The police station will serve as the meeting site for all volunteers. Six vendors from various organizations will set up information booths at the police station, but no food or beverages will be sold. There are 75 people registered to volunteer. Additional signage will direct volunteers to the event, but no specialized units are required. The question asks, based on the policy, for the level of security that should be assigned to the event. The keyed response is option a, Level 1.<sup>4</sup> Boulieris, Mayer, Ng and Tyler maintain that option d, “The appropriate security level cannot be determined from the information provided,” is the best response. Specifically, Boulieris and Tyler contend that “the number of individuals [in] the paid teams, in addition to the 75 volunteers, can change the level of command required.” Mayer argues that “the unknown number of paid professionals would drastically change the level of security needed depending on how many were involved with the clean-up. The lack of a total

<sup>3</sup> Covert maintains that “the answer key that I had the opportunity to review indicated that the best resolution to conflict was ‘recognizing how you contribute to the problem’ . . . The Carpenter and Fulton text directly supports that an excellent resolution to conflict is when each party involved feels as though the conflict has been resolved in their favor.” It is noted that the keyed response is option c, “every person in the meeting feels like the conflict was resolved in their favor.”

<sup>4</sup> The policy provides, in pertinent part, under section IV, Security Levels:

	Security Level	# of Attendees	Timeframe	Live Performance	Vendors	Logistics	Specialized Units and Assignments
Community Events & Festivals	Level 1	0-100	Mon-Fri, 8:00am-4:00pm	No live performance	0-50; No food or beverages sold	Additional Signage	None
	Level 2	101-500	Mon-Fri, 8:00am-11:30pm Sat-Sun, 8:00am-11:30pm	Amplified Speech	0-50; Food and/or alcoholic beverages sold	Additional Signage  Designated Parking	Crossing Guards
	Level 3	501+	Mon-Fri, 8:00am-11:30pm Sat-Sun, 8:00am-11:30pm	Musical Performance	51-75; Food and/or alcoholic beverages sold	Additional Signage  Designated Parking	Crossing Guards  Bicycle Unit K-9 Officer

number of people in attendance is critical in making a determination of security level.” Ng presents that “without the specific number of attendees from the paid teams you are unable to determine the level of security . . .” It is noted that the information provided in the question stem meets the criteria in every column for a Level 1 security event except potentially the number of attendees. In this regard, since “paid professionals” are not specifically defined by the policy, it is not possible for candidates to determine whether the paid professional teams should be considered as attendees. Thus, the lack of clarity regarding the number of attendees presents the possibility of another security level being involved. As such, the Division of Test Development and Analytics determined to double key this item to option a and option d.

For question 61, since Navarro selected the correct response, his appeal of this item is moot.

### CONCLUSION

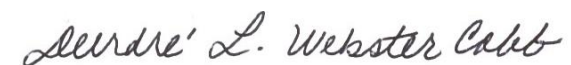
A thorough review of appellants’ submissions and the test materials reveals that the appellants’ examination scores, with the exception of the above noted scoring change, are amply supported by the record, and the appellants have failed to meet their burden of proof in this matter.

### 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.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15TH DAY OF JANUARY, 2020



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