



STATE OF NEW JERSEY

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

In the Matter of
Michael Maulshagen,
Police Captain (PM0857A),
Elizabeth

Examination Appeal

CSC Docket No. 2022-1058

ISSUED: APRIL 11, 2022

Michael Maulshagen appeals his score for the technical portion of the oral examination for Police Captain (PM0857A), Elizabeth. It is noted that the appellant passed the examination with a final average of 85.760 and ranks seventh on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called Subject Matter Experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In the oral portion of the examination, candidates were presented with a scenario, and were given time to read the scenario and the examination questions and to decide how to answer. In the examination room, candidates were read the questions relating to the scenario, and then they were given up to fifteen minutes to give their response to all questions. Seven candidates appear on the eligible list, which was certified once, and three appointments were made.

Performances were audio and video recorded and scored by SMEs. Candidates were rated on a five-point scale, with 5 as the optimal response. The appellant scored a 3 for the technical component, and he scored a 5 for the oral communication component.

CONCLUSION

The scenario involved three situations occurring during the day. First thing in the morning, the candidate's subordinate calls to say that his unmarked car was stolen and inside were his identification cards and badge. Question 1 asked for actions to be taken in response to this information. Later in the morning, another subordinate shows the candidate a social media post from a resident stating she was pulled over by an unmarked car and the officer stated that they could work something out if she didn't want a ticket. This was clearly an impersonator, however, many public remarks were made that the police could not be trusted and a complaint would be ignored. Question 2 asked for actions that the candidate would personally take in response to the incident with the resident and police impersonator. The next morning, an officer finds the stolen vehicle with the suspect inside. All items were recovered, the suspect was identified, arrested, charged and processed. The incident was concluded and the candidate issued a press release notifying the public. The candidate reflects on the public comments that it was useless to file an Internal Affairs (IA) complaint for misconduct, and that the process was overly complicated. The candidate decides to issue a statement about the IA process, and question 3 asked for specific IA complaint process information to be included in the public statement.

After reviewing his test materials, the appellant disagrees with his score for the technical component. The assessor noted that the appellant missed the opportunities to attempt to locate the car via electronic means (e.g., ALPRs, GPS, cell phone, radio, EZPass, etc. for question 1, and to preserve the social media post for evidence in response to question 2. On appeal, the appellant states that the Police Captain would not take these actions, and that these actions are tactical and decided upon by subordinates in the investigation unit. He states that he notified Communications to broadcast vehicle information and enter it in NCIC, summoned the Investigative Unit to look for evidence, and notified IA, the Mayor and lateral and upward command staff. He argues that he should not be making tactical or field level decisions, but should be free to operate on a strategic or command level. He argues that he delegated these matters and should not be ordering numerous investigative methods, which would place a bottleneck on operations.

In reply, review of the recording and related examination material indicates that the appellant's score of 3 is correct. The SMEs determined that it was appropriate for the candidate to attempt to locate the car via electronic means. The appellant's arguments that that this should not be a required action since he involved an investigation unit are unpersuasive. The appellant took many other actions involving the investigation and for which he received credit. For example, the appellant ensured that an initial report was taken from his subordinate, he collected evidence, and interviewed witnesses. This Possible Course of Action (PCA) is not more tactical than many others he mentioned. The appellant cannot receive

credit for an action he did not take. Candidates were required to state their knowledge and did not receive credit for actions that were implied. The appellant's argument for the second PCA listed by the assessor for question 2 is similar. The appellant met with the resident who posted the motor vehicle stop by the impersonator, but he did not preserve the post for evidence. He missed many other actions for question 2 which regard to interaction with the resident. The question asked the candidate for actions he would take personally, or *ensure are being taken*, in response to the incident, and simply delegating the whole investigation to the investigation unit and assuming that actions are being taken does not establish that the candidate is aware of what those actions would be. The candidate would be remiss to delegate the actions of the investigation without further thought about it. Lastly, the appellant's response to question 3 was sparse. Viewed holistically, the appellant's presentation warrants a score of 3.

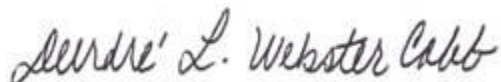
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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 6TH DAY OF APRIL 2022



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