



STATE OF NEW JERSEY

In the Matter of Douglas Stark, <i>et al.</i> ,	:	FINAL ADMINISTRATIVE ACTION
Correctional Police Major (PS0527I),	:	OF THE
Department of Corrections	:	CIVIL SERVICE COMMISSION
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CSC Docket Nos. 2023-2900, <i>et al.</i>	:	Examination Appeal
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ISSUED: December 20, 2023

Douglas Stark, Naveed Syed and Michael Tarulli appeal the examination for Correctional Police Major (PS0527I), Department of Corrections. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 25, 2023 and consisted of 70 multiple-choice items.

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

Question 15 indicates that an inmate has committed suicide at your facility. Candidates are presented with three statements and are required to determine, based on *N.J.A.C.* 10A:21-5.2 (Telephone reports within the Department of Corrections; reportable unusual incidents or events), who the Administrator or designee of your facility should promptly contact by phone to give a summary of what happened. The keyed response is option d, I. Assistant Commissioner; II. Division of Operations or designee; and III. Public Information Officer. *N.J.A.C.* 10A:21-5.2 provides, in pertinent part:

If, after the preliminary inquiry, it is the determination of the Administrator or designee that the incident or event is of such significance that the incident or event has the potential to disrupt the safe, secure or orderly operation of the correctional facility, or if the safe, secure or orderly operation of the correctional facility has been disrupted

because of the incident or event, *the Administrator or designee shall promptly contact the Assistant Commissioner, Division of Operations or designee and the Public Information Officer* by telephone and give them a summary of . . . (emphasis added)

Thus, the Administrator or designee is only required to contact: (1) the Assistant Commissioner, Division of Operations (or designee) and (2) the Public Information Officer.¹ It is noted that “the Assistant Commissioner, Division of Operations or designee” was not provided as one of the available statements. As a result, there is no correct answer choice provided. Given this, the Division of Test Development, Analytics and Administration (TDAA) determined to omit this item from scoring prior to the list being issued.

Question 31 refers to Michael Carpenter and Roger Fulton, *A Practical Career Guide for Criminal Justice Professionals* (2007). The question indicates that you are debriefing the custody staff who responded to an incident involving an inmate who died by suicide. Lieutenant Hamilton, who responded to the scene, appears to be having a hard time and you have asked him come to your office to talk to him more. Lieutenant Hamilton confides to you that he lost a friend to suicide. The question asks, based on the information provided by Carpenter and Fulton on addressing post incident trauma, for what should you say to Lieutenant Hamilton. The keyed response is option d, “It is understandable that this incident is bringing up difficult memories for you. I think the employee assistance program [EAP] can be a good resource for you. I’ll give you the information for the program, and you can also come to me if you need to talk. I want to make sure you’re okay.” Stark maintains that option b, “I think it’s time to go to the employee assistance program for help. Let’s go over there together now; suicide is such a difficult thing to deal with and I’m worried about your state of mind,” is the best response. Stark refers to the text and argues:

Just because you offer or provide information on EAP, offer to talk with Lt. Hamilton and want to help, it does not change the fact, as the book states, it can be difficult for Lieutenant to seek help on his own. By requesting to take the Lieutenant to see EAP now and going with him you are doing your part to facilitate this as a responsible supervisor and you are not leaving it up to Lt. Hamilton to seek help on his own . . . By taking the Lieutenant to EAP,

¹ See, e.g., *N.J.A.C.* 10A:21-5.8(b) which provides:

Within 24 hours following the occurrence of an unusual incident or event, the Administrator or designee shall prepare and submit a written report to the Commissioner or designee, New Jersey Department of Corrections, with copies to:

1. The Assistant Commissioner, Division of Operations;
2. The Assistant Commissioner, Division of Programs; and
3. The Chief Investigator of the Special Investigations Division.

you are showing you are responsible for your people. You are showing the leadership your employees want. You are helping to solve the problem before it becomes yours. You are taking the necessary precautions to make safety a top priority. You are making sure your employee is out of harm's way. You are doing your part to facilitate his getting help and not leaving things up to him to seek help on his own.

It is noted that TDAA contacted Subject Matter Experts (SMEs) on this matter who indicated that while you want to ensure that staff members feel comfortable speaking with you about a variety of issues, it would be inappropriate to tell a subordinate your opinion on their mental health status especially given that a Major is not a mental health professional. The SMEs also explained that while personally escorting a staff member to the EAP could be viewed as a kind gesture, it could also lead to privacy issues. In this regard, the SMEs noted that having the Major personally escort the Lieutenant to the EAP would likely cause staff to realize that there is an issue with the Lieutenant. The SMEs further noted that the EAP is voluntary, meaning a staff member can refuse to participate. Thus, the SMEs concluded that providing the Lieutenant with the EAP information and allowing them to decide if they need further assistance would be the best way to handle this situation. Accordingly, the question is corrected as keyed.

For question 50, since Syed selected the correct response, his appeal of this item is moot.

Question 52 refers to an excerpt from the fictitious Lightbridge Correctional Facility Inmate Rules and Regulations provided to candidates in their test booklets. The question indicates that “on Thursday, there were seven official counts, which included the wake-up and lights out count, along with counts at the start of each shift.” The question asks, according to the Lightbridge Correctional Facility Inmate Rules and Regulations, for the true statement. The keyed response is option a, “The Lightbridge Correctional Facility Inmate Rules and Regulations were adhered to.” Stark misremembered the keyed response as option d, “More information is needed to determine whether or not there was a violation of the Lightbridge Correctional Facility Inmate Rules and Regulations” and argues that “the policy was adhered to” (option a).² In this regard, Stark notes that “according to the policy, six (6) counts must be taken. If seven (7) counts were taken throughout the day, this means there was one (1) extra count . . . This information will not change the fact that six (6) actual

² It is noted that Stark selected option b, “The Lightbridge Correctional Facility Inmate Rules and Regulations were violated.”

counts were conducted as required in the supplied policy.”³ As such, his appeal of this item is moot.

Question 70 refers to the text by Carpenter and Fulton, *supra*, and indicates that you have noticed that Lieutenant Thomas has been making minor mistakes on reports and documentation that he has submitted to you, and you have brought the mistakes to his attention each time. You plan to have Lieutenant Thomas take a report writing refresher course to assist him. The question asks, based on the text by Carpenter and Fulton and the information provided in the scenario, for the major problem with your plan. The keyed response is option d, “Lack of report writing knowledge may not be the reason Lieutenant Thomas is making mistakes.” Stark and Tarulli maintain that option c, “You did not attempt to motivate Lieutenant Thomas to improve his performance,” is the best response. Specifically, Stark asserts that “the major problem, is not that you failed to realize that Lt. Thomas’ issue goes beyond a lack of reporting skills but you failed by only bringing the mistakes to his attention. You did not train, coach or counsel to motivate Lt. Thomas as the issue continued to happen. Stark refers to the subject text which provides, “Employees who meet or exceed expectations should be rewarded, while employees who cannot meet expectations should be trained, coached or counseled to motivate them and teach them necessary skills.” Stark asserts that “By bringing this to the attention of Lt. Thomas each time he made a mistake and not using a method of positive discipline that worked to motivate him, as the issue continued; you may have been encouraging his minor infractions.” Tarulli argues that “to state that the cause of the issue is pertaining to another issue is very vague and is to make an assumption that something else is affecting his work. The textbook, on page 87, strictly states, ‘assumptions are always dangerous. Ask questions, get clarifications, and don't act on assumptions.’” Tarulli further presents, “page 95 of the textbook states, ‘Everyone is different and has different needs, desires and goals. Recognizing and acting upon those differences is how a supervisor motivates the individuals in the unit, for the benefit of the unit’s mission and goals. The importance of recognizing what motivates the people under your command cannot be overestimated. Proper motivation leads to good morale in a unit, and good morale leads to success of the unit.’”

TDAA contacted SMEs on this matter who indicated that the problem in this situation is that you do not know what issues Lieutenant Thomas has that are causing him to make reporting mistakes. In this regard, option c assumes that the issue is the Major’s failure to motivate Lieutenant Thomas. However, the SMEs indicated that as a Major, you cannot motivate Lieutenant Thomas to improve his performance without first discovering and then discussing what the underlying reasons for making the mistakes actually are. As such, option c is not the best response. The SMEs emphasized that a Major should further ask why the mistakes

³ Specifically, the policy provides, under the section “Counts,” “Official counts are conducted a minimum of six times each day (this includes counts at the start of each shift, wake-up, and lights out).”

were made and advise how the mistakes can be remedied which would allow for an open dialogue with Lieutenant Thomas to determine exactly why there are ongoing reporting mistakes being made. Again, the major problem with the Major's plan to send Lieutenant Thomas to a report writing refresher course assumes that the underlying problem is his lack of report writing knowledge. However, as noted above, the question does not indicate that you have determined the underlying cause of the mistakes. Accordingly, the question is correct as keyed.

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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF DECEMBER, 2023

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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