



	:	STATE OF NEW JERSEY
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In the Matter of Edward Costanzo,	:	FINAL ADMINISTRATIVE ACTION
Correctional Police Major (PS4596P),	:	OF THE
Juvenile Justice Commission	:	CIVIL SERVICE COMMISSION
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	:	
	:	
	:	Examination Appeal
CSC Docket No. 2024-2643	:	

ISSUED: January 15, 2025

Edward Costanzo appeals the promotional examination for Correctional Police Major (PS4596P), Juvenile Justice Commission.

The subject examination was administered on May 23, 2024 via a computer-based testing system and consisted of 80 multiple-choice items.

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

Question 14 indicates that Resident Lee discovered that she was pregnant after taking a required pregnancy test during her admission to the facility. Candidates are provided with four statements. The question requires candidates to complete the following sentence, “Based on *N.J.A.C. 13:95-17.2* Care of pregnant juveniles, counseling can be offered to Resident Lee regarding . . .” The keyed response, option d, includes all four statements: I. Test results; II. Family planning; III. Birth control; and IV. Trauma related to the surrender of baby.¹ The appellant

¹ *N.J.A.C. 13:95-17.2* provides:

- a. The Commission shall provide a pregnant juvenile with medical and social services, which at a minimum shall include:
 1. Prenatal medical evaluation and care, including the routine pregnancy tests given to all female juveniles upon admission to the secure facility;
 2. Nutritional supplements and diet as prescribed by a physician, advance practice nurse or certified nurse midwife;

argues that “while the policy recommends routine pregnancy tests upon initial admission, in practice, these tests are offered but almost never administered, unless specific conditions or consents are involved. This discrepancy is crucial and impacts how the question should be interpreted.” He argues that “the question assumes that the tests are mandatory and regularly done, which is not the case. By stating ‘required,’ it presumes that a test is always conducted and results are immediately available to dictate subsequent care, which contradicts the actual execution of the policy.” It is noted that the Division of Test Development, Analytics and Administration (TDAA) contacted Subject Matter Experts (SMEs) regarding this matter who emphasized that the question specifically referred to *N.J.A.C. 13:95-17.2* and not to “common practices” or to a particular facility’s practices and procedures. In addition, the SMEs emphasized that the question indicates that Resident Lee has already taken a pregnancy test and thus, whether the pregnancy test was required is not relevant to answering the question *i.e.*, the pregnancy is the catalyst for the counseling that can be offered. In other words, the SMEs indicated that even if pregnancy tests are not required and results are not immediately available, it would not change the counseling that would be offered to Resident Lee pursuant to *N.J.A.C. 13:95-17.2*. As such, the question is correct as keyed.

Question 15 provides, “Resident Byers has just recently been confirmed pregnant by the advanced practice nurse. Resident Byers is feeling conflicted about the pregnancy. Based on *N.J.A.C. 13:95-17.5 Termination of pregnancy*, which statement is **FALSE**? Resident Byers . . .” The keyed response is option a, “will immediately be given religious and social counseling to aid her in making her decision to either keep or terminate the pregnancy.”² The appellant maintains that options b,

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3. Counseling regarding:
 - i. Family planning;
 - ii. Prenatal Counseling and Education;
 - iii. Birth control;
 - iv. Test results;
 - v. Termination of pregnancy;
 - vi. Child placement services; and
 - vii. Religious counseling, if desired by the juvenile; and
 4. Appropriate postpartum care, including counseling for trauma related to surrender of baby.

² *N.J.A.C. 13:95-17.5* provides:

- (a) As soon as possible after the pregnancy is diagnosed, a physician, advanced practice nurse or certified nurse midwife shall provide the pregnant juvenile with appropriate medical care, and the pregnant juvenile shall be given religious and social counseling to aid her in making the decision to continue or to terminate the pregnancy.
- (b) Should the pregnant juvenile elect to terminate the pregnancy, arrangements shall be made by the health care provider without undue delay to schedule and complete the procedure, unless a treating physician, advance practice nurse or certified nurse midwife determines that the pregnancy cannot be terminated.

c and d are equally false in that “the scenario clearly states that the resident is ‘feeling conflicted about what to do’ regarding her pregnancy. This implies that no definitive decision has been made by the resident concerning the resident’s pregnancy at the time the information was given. Therefore, [these] statements that the resident has ‘decided to terminate her pregnancy’ are factually incorrect and misleading based on the scenario provided . . .” As noted by the appellant, while the question stem indicates that Resident Byers is “conflicted about the pregnancy,” options b, c, and d all indicate that Resident Byers has “decided to terminate the pregnancy.”³ Given that the question asks for the false statement, the uncertainty expressed in the stem (“conflicted about the pregnancy”) is inconsistent with the certainty indicated in these options (“decided to terminate the pregnancy”), could lead to confusion. Given this ambiguity, TDAA determined to omit this item from scoring prior to the list being issued.

Question 42 refers Gerald W. Garner, *Supervising Police Employees in the Twenty-First Century* (2019), and to the following scenario provided to candidates:

You supervise Lieutenant Westin, who is typically an average-performing lieutenant. Lieutenant Westin recently returned from a brief paternity leave and has a newborn at home. Since his return, you have heard officers complain that he is irritable and has been slacking off. You decide to meet with Lieutenant Westin privately to discuss how he is doing and see if you can help him.

The question indicates that during your meeting with Lieutenant Westin, you realize that he does not seem comfortable opening up to you and asks, based on the information provided by Garner on addressing problems with subordinates, for what would be most helpful at this point. The keyed response is option a, “Offer resources he can utilize (e.g., employee assistance) and let him know that you are available to talk to or help him with problems he’s facing.” The appellant asserts that option c, “Recommend that he reaches out to an outside professional counselor or utilizes the employee assistance program at work to help him with the transition back to work,” is the best response. In this regard, the appellant refers to Chapter 1, “The Toolbox of a Great Leader,” of the subject text, which “underlines the need for leaders to be attuned to the ‘life stories that are your employees,’ suggesting that we should know

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- (c) A juvenile who elects to terminate a pregnancy shall be required to sign a form indicating her desire to terminate the pregnancy and acknowledging that she has received medical care and has been offered religious and social counseling in reaching her decision.
 - (d) A pregnancy shall be terminated, and follow-up care shall be provided, only at a medical facility or hospital licensed in New Jersey.

³ It is noted that option b indicates, “has decided to terminate the pregnancy . . .”; option c indicates, “decided to terminate the pregnancy”; and option d indicates, “has decided to terminate the pregnancy . . .”

them ‘at least to the extend that you reasonably can.’ This implies respecting their personal boundaries and preferences for privacy, which justifies recommending professional help without pushing for personal disclosure. Furthermore, the chapter highlights that ‘keeping the lines of communication open’ is crucial, yet it also emphasizes respecting how and when these communications should happen, especially about personal and sensitive issues.” He contends that the text “implies that pushing for a personal conversation when an employee is uncomfortable might not align with understanding their needs and expectations regarding privacy and professional boundaries.” He maintains that option c is “consisten[t] with ethical and supportive practices” and refers to Chapter 17, “Pulling It All Together,” which provides, “You do not have to go your own way alone,”⁴ indicating the importance of supporting staff through appropriate channels without necessitating direct involvement in personal issues unless welcomed by the staff.” He further asserts that the text “articulates the approach that ‘your personal ethics require you to do the right things for the right reasons,’ which supports the recommendation of professional counseling to address personal issues professionally and ethically.”

In response, Garner, in Chapter 10, “Your Role as Counselor and Confidant,” provides, in pertinent part, “**Let your counselee know that you are always available.** Be sure the employee knows that this is not the only time the two of you can talk . . . Your intention is to let your team member know that you really *do* care and are willing to go the extra mile to help, whatever that requires.” Garner further provides, “**Offer some one options whenever possible.** Your employee may be embarrassed to open up to you or he many feel that you do not have the expertise to help him. You may agree with that assessment. For that reason, you should be prepared to offer him some alternatives for follow-up help. It could be Alcoholics Anonymous or a mental health counseling service or one of a dozen other resources depending upon the problem or problems involved.” Option a recognizes that Lieutenant Westin is not comfortable with opening up to you by offering him alternative resources for help, and thus, you are not “pushing [him] for personal disclosure.” However, option a also lets Lieutenant Westin know that you are available to him should he, at some point, like to speak to you about his problems. In other words, you are leaving the possibility open to Lieutenant Westin should he like to discuss this matter (or any matter) in the future and conveys that you are available to him. Option c, however, by only directing him to seek outside resources, makes it appear that you are merely concerned with his transition back to the workplace. As such, option c is not the best response.

Question 54 refers to Garner, *supra*, and asks, based on the information provided by Garner regarding your role as a member of the leadership team, for who best exemplifies a team player. The keyed response is option b, “Lieutenant Tonks is quick to acknowledge the contributions of her fellow supervisors.” The appellant

⁴ It is noted that the appellant misattributes this quotation to Chapter 17. This quotation appears in Chapter 16, “Surviving Your Organization,” under the “Summary” section on page 191.

contends that option d, “Sergeant Brink holds her fellow supervisors to a high standard and will pull others aside if she notices their performance slipping,” is the best response. The appellant refers to the text which “emphasizes the importance of maintaining high standards and directly addressing areas of concern.” Specifically, he refers to Chapter 1 of the subject text which provides, “Praise in public; correct in appropriate places,’ suggests that addressing issues privately aligns with best practices in leadership. Additionally, showing ‘loyalty to your peers, our subordinates, your superiors, and you organization’ by ensuring high standards are maintained is crucial.” He also refers to Chapter 17, under the section, “The Ethics of Your Job,” and presents that “holding peers accountable requires courage and integrity, which are vital traits of a team player in a leadership role. ‘Courageous leaders also are consistent in their decision-making and in the corrective actions they take involving their employees.’⁵ This supports that action of pulling peers aside to maintain team standards⁶ and ensure effective leadership.” He further contends that “it is highlighted that a leader must not only acknowledge contributions but also actively participate in guiding and correcting team members. ‘It is vital that you additional never neglect your ethical responsibilities to the community members you serve,’ which extends to maintaining a disciplined and effective team.” The information cited by the appellant refers to the relationship between a supervisor and his or her subordinates rather than the relationship between supervisors. As indicated above, the question focuses on your role as a member of the leadership team, *i.e.*, your relationship with other supervisors. Furthermore, it may not be Sergeant Brink’s role to pull a fellow supervisor aside because they are not meeting *her* high standards. Although the appellant refers to Chapter 17, he does not refer to the section, “Your Role as a Member of the Leadership Team,” in that chapter in which Garner provides, “remain humble concerning your role in the group’s work and ultimate work product. Be quick to give credit to your team members. It is alright to play down your own role. Your colleagues know of your contributions. It’s important that others hear from you that it was the team that deserves the credit. That’s being a team player of the first magnitude.” Thus, the question is correct as keyed.

CONCLUSION

A thorough review of appellant’s submissions and the test materials reveals that the appellant’s examination score is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

⁵ Although the appellant attributes this quotation to Chapter 17, page 194, it is noted that this quotation does not appear on this page.

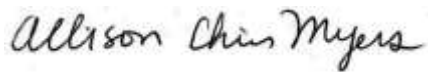
⁶ As noted above, option b provides, “Sergeant Brink holds her fellow supervisors to a high standard and will pull others aside if she notices their performance slipping.” Thus, this option does not indicate that Sergeant Brink is not utilizing “team standards.”

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 15TH DAY OF JANUARY, 2025



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