



STATE OF NEW JERSEY

In the Matter of Michael Cumiskey, <i>et al.</i> , County Correctional Police Captain (Various Jurisdictions)	:	FINAL ADMINISTRATIVE ACTION
	:	OF THE
	:	CIVIL SERVICE COMMISSION
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CSC Docket Nos. 2025-2808, <i>et al.</i>	:	
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	:	Examination Appeal
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	:	

ISSUED: January 21, 2026

Michael Cumiskey and John Lind (PC5126F), Bergen County Sheriff’s Office; Jay Nejad (PC5131F), Hudson County; and Chantannette Ketelaar (PC5134F), Ocean County, appeal the promotional examination for County Correctional Police Captain (Various Jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 20, 2025 and consisted of 70 multiple choice questions.

On appeal, the appellants challenge certain test items, and as such, their respective scores on the subject examination.

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

For question 8, since Ketelaar selected the correct response, her appeal of this item is moot.

Question 17 indicates that on Tuesday during the daily collection of mail, Inmate Carlton provided three letters to be sent out to three different family members. Wednesday was a national holiday. On Thursday, two days later, Inmate Carlton’s three letters had not been sent out despite being collected on Tuesday. The question asks, based on the information provided and the specific language in

N.J.A.C. 10A:31-19.3 (Processing mail), for the true statement.¹ The keyed response was option b, “*N.J.A.C. 10A:31-19.3 Processing mail* was not violated in this scenario.” Cumiskey and Lind argue that option c, “There is not enough information to know if *N.J.A.C. 10A:31-19.3 Processing mail* was violated in this scenario,” is the best response. Specifically, Cumiskey maintains:

The question fails to provide critical and necessary details – specifically: 1. What time on Tuesday the mail was collected, and 2. What time on Thursday it was determined the mail had not been sent. This missing information is vital because the standard is not based on calendar days but on an exact 24-hour timeframe, excluding holidays and weekends. A holiday ([on] Wednesday) pauses – but does not reset or cancel – this 24-hour clock. Once the holiday ends, the clock resumes counting. Therefore, whether or not the facility violated the standard cannot be determined without knowing the precise time the mail was collected and the time that it remained in the facility on Thursday.

Similarly, Lind presents that without knowing the time of mail collection on Tuesday and the time on Thursday, “it is not possible to determine whether or not 10A:31-19.3 was violated.” Nejad asserts that option a, “*N.J.A.C. 10A:31-19.3 Processing mail* was violated in this scenario,” is correct. In this regard, Nejad contends that “the mail should not have been held at the facility past Thursday. Holding the mail at the facility after Thursday constitutes noncompliance with the 24-hour requirement for outgoing mail.” It is noted that the phrase “except on weekends, holidays or during emergency incidents” must be read as acting to toll the period of “24 hours after the correspondence has been received or collected . . .” as indicated in the regulation. Absent this interpretation, the regulation would effectively provide the facility with an indefinite period of time to hold an inmate’s mail whenever a weekend, holiday, or emergency incident occurred. Allowing for the indefinite retention of mail would circumvent the intent of this regulation, and thus, would be an unreasonable reading. As noted by Cumiskey and Lind, the question does not indicate at what time the mail was collected on Tuesday and the time on Thursday when it was discovered that Inmate Carlton’s letters had not been sent. Given this, it is possible that the facility may have violated the regulation (option a), or may have not violated the regulation (option b). Furthermore, the question may have led a candidate to determine that further information would be needed (option c). Given these ambiguities, the Division of Test Development, Analytics and Administration (TDAA) determined to omit this item from scoring prior to the eligible lists being issued. Therefore, the appellants’ appeal with regard to this question is moot.

¹ *N.J.A.C. 10A:31-19.3(b)* provides, in pertinent part, that outgoing correspondence shall not be held within the adult county correctional facility more than 24 hours after the correspondence has been received or collected for mailing, except on weekends, holidays or during emergency incidents.

Question 35 indicates that CO Kline is a dedicated officer who works a lot of overtime. On the way home from a late shift, CO Kline fell asleep while driving and was in a serious car accident. He is now in the hospital for his injuries, but luckily is in stable condition. The next morning, CO Kline's family called to inform the facility about the accident. You were the one who spoke to his family, who were extremely upset and said that his accident was the result of him working too much overtime. Candidates were presented with four actions: I. Ensure the proper staff are notified (i.e., Deputy Warden/Warden) that CO Kline is in the hospital; II. Review the shifts/hours CO Kline worked leading up to the accident; III. Check in or have someone check in with CO Kline to show support; and IV. Remind supervisors who are responsible for signing off on overtime to be aware of staff's well-being. Candidates were required to determine which actions should be taken to prevent a similar situation from happening in the future. The keyed response was option b, II and IV only. Nejad maintains that option d, I, II, III, IV, is the best response.² Specifically, Nejad contends that while statements II and IV "are valid longer-term administrative steps, they are not sufficient immediate actions for a commanding officer in a real-world operational environment." He argues that only selecting these two actions "overlooks immediate command obligations, fails to address departmental communication protocols, and diminishes the importance of leadership responsiveness to staff injury." As clearly indicated above, the question focuses on steps that should be taken to **prevent a similar situation from happening in the future**. In this regard, statement I would not be a preventative step since notification is typically automatic when officer injuries are concerned. While statement III would be an action that would be appropriate in the present moment, showing support or checking in with CO Kline is not a preventative measure against this issue occurring in the future. Accordingly, the question is correct as keyed.

CONCLUSION

A thorough review of appellants' submissions and the test materials reveals that the appellants' examination scores, other than 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.

² It is noted that Nejad misremembered the keyed response as "Having sergeants speak to staff about excessive overtime" and "Reviewing the officer's recent overtime record."

