



STATE OF NEW JERSEY

In the Matter of C.H., Police Sergeant

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

CSC Docket No. 2025-2211

Examination Appeal

ISSUED: January 21, 2026 (JH)

C.H., represented by David Beckett, Esq., appeals the promotional examination for Police Sergeant.¹

By way of background, the subject two-part examination, which was administered on March 1, 2025, consisted of a video-based portion, items 1 through 20, and a multiple-choice portion, items 21 through 80.² It is noted that to date, the results have yet to be released. On his application, the appellant checked the box that he needed an accommodation in accordance with the Americans with Disabilities Act (ADA).³ The Division of Administrative and Employee Services approved his

¹ The appellant requests in his appeal that he “be identified only by his initials.” In order to address any concerns regarding the confidentiality of this matter, initials are being used to caption this appeal and no reference will be made to the specific symbol or jurisdiction utilized for the subject announcement. In this regard, it is noted that on October 1, 2024, 164 jurisdictions issued announcements for the subject Police Sergeant testing cycle.

² For the subject examination, it is noted that the Civil Service Commission previously addressed examination item appeals in *In the Matter of Richard Thomas, et al., Police Sergeant* (CSC, decided November 26, 2025).

³ *N.J.A.C. 4A:4-2.14(a)* provides that otherwise qualified applicants with disabilities may request an accommodation in taking an examination by indicating their request on the examination application and, upon receipt, the Civil Service Commission shall make *reasonable* accommodation where appropriate and notify the candidate of the arrangements.

request, and on the test date, the appellant was to be provided with a reader, a separate room, and additional time to complete the test.

In an appeal filed on April 10, 2025, the appellant argues that questions 27, 41, 58 and 60 “are not valid measures for testing for the Police Sergeant promotion.”⁴ Specifically, regarding questions 27 and 41, the appellant argues that “the framing of the narratives ensured that questions testing legal knowledge would not be an appropriate measure for the Sergeant title and would not be job related . . . [T]he keyed answer to the question is inconsistent with or not reflective of case law used by law enforcement and that the question improperly led to identified answers that were in ‘error’. This renders them inappropriate and not job related.” With respect to question 27, the appellant maintains that the keyed response is “inconsistent with the holding [in *Maryland v. Buie*, 494 U.S. 325 (1990)]” and thus, “cannot be job related or appropriate test content.” With respect to question 41, the appellant argues that candidates “did not have sufficient information in the narrative to tell whether they could lawfully seize the gun . . . For example, there was no indication as to whether the firearms were secured in a safe and/or accessible only to the father, the victim . . . There was also no information as to whether the son, the alleged perpetrator, had access, for example, by residing in the home.”

With respect to questions 58 and 60, he refers to the job specification for Police Sergeant and argues:

The job description may note certain written work, as well as familiarity with computerized information systems used by the agency, but the ability to spell or identify misspelled words in reports is not an essential function that needs to be tested for; this is not an editor title, it is a law enforcement supervisor . . . Nothing in that description requires a candidate to be a good speller, only to be able to get one’s point across verbally and in writing . . .

The appellant further argues that “not only are these questions generally inappropriate for all as test content and most certainly not job related, but they also particularly discriminate against [me] . . .” In this regard, he contends that “the reader ensured that the text was read correctly so as not to answer the question. Thus, the minor spelling errors here that did not change the content or meaning of a particular sentence would not be notable and are not appropriate test content or job related.”

⁴ In order to preserve the appellant’s anonymity, all issues raised by the appellant concerning this examination are being addressed separately herein rather than included in the determination in *In the Matter of Richard Thomas, et al., supra*.

CONCLUSION

Initially, regarding questions 27 and 41, these items were addressed in in *In the Matter of Richard Thomas, et al., supra*. Specifically, as noted in that decision, question 27 was omitted from scoring. As such, C.H.'s appeal of this item has been rendered moot. With regard to question 41, as noted in *In the Matter of Richard Thomas, et al., supra*, this item indicates that you are responding to a call for service alleging an act of Domestic Violence at a residence shared by a father and son. You learn that a physical confrontation between 55-year-old Kevin Baker and his 19-year-old son, Brian, has occurred, leaving Kevin with a small stab wound on his arm. During your questioning of Kevin, you learn that he has a registered handgun in his bedroom drawer and Brian has a collection of switchblade knives that are kept in the basement. At the end of your conversation, you determine there is probable cause to arrest Brian for Domestic Violence. The question asked, based on *N.J.S.A. 2C:25-21*, for the true statement. The keyed response was option b, you are “permitted to seize any weapon present on the premises that you reasonably believe would expose Kevin to a risk of serious bodily injury.” As noted in that decision:

[The Division of Test Development, Analytics and Administration (TDAA)] contacted [Subject Matter Experts (SMEs)] regarding this matter who emphasized that the question asks what the officer is permitted to do pursuant to *N.J.S.A. 2C:25-21*. In this regard, *N.J.S.A. 2C:25-21* permits the officer to seize any weapon that could expose the victim to serious bodily injury, regardless of ownership or protective intent. The SMEs indicated that an officer would be allowed to seize the firearm or any other weapon if leaving the weapon at the residence could put the victim in danger of the weapon being used. In this regard, the SMEs noted that the scenario indicated that the handgun was in a drawer. The SMEs indicated that officers can act on their belief that leaving the weapon in a drawer could pose a danger to the victim. As such, the question is correct as keyed.

Regarding questions 58 and 60,⁵ the appellant is essentially requesting an accommodation in the form of the removal of test items. *N.J.A.C. 4A:4-6.4* states that

⁵ As noted *In the Matter of Richard Thomas, et al., supra*, for questions 52 through 61, candidates were provided with a Use of Force Report Form and a Use of Force Narrative in the test booklet. Question 58 required candidates to consider the following portion of the Use of Force Report Narrative, “On Friday, March 23, 2025, at **aproximately** 10:00 p.m., a 911 call was **recieived** indicating a robbery involving an intoxicated male.” [Emphasis added]. The question asked for the number of spelling errors in the sentence. The keyed response was option b, 2. Question 60 required candidates to consider the following portion of the Use of Force Report Narrative, “I then **succesfully** handcuffed the suspect and transported him to the police station.” The question asked, “in order to file a properly written report, how should this sentence be rewritten?” [Emphasis added]. The keyed response was option d, “I then successfully handcuffed the suspect and transported him to the police station.”

appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the exam. In *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court noted that “the obvious intent of this ‘same-day’ appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered.” In the instant matter, C.H.’s appeal of the sufficiency of his accommodation is untimely. As noted previously, the subject examination was administered on March 1, 2025, and C.H. subsequently filed the subject appeal on April 10, 2025. Therefore, his appeal of this matter is clearly untimely. However, the following is being provided for informational purposes only.

The Americans with Disabilities Act (ADA), 42 *U.S.C.A.* sec. 12101, *et seq.*, requires that a “reasonable accommodation” be provided to a qualified individual. Under the ADA, the term “reasonable accommodation” means: (1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or (2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or (3) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. Reasonable accommodation may include but is not limited to: (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and (2) job restructuring: part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training, materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities. *See* 29 *C.F.R.* § 1630.2(o) (2011). The ADA does not provide the “correct” answer for each employment decision concerning an individual with a disability. Instead, the ADA simply establishes parameters to guide employers in how to consider, and to take into account, the disabling condition involved. *See* 29 *C.F.R.* § 1630.2(o) and 29 *C.F.R.* § 1630.9.

As noted in the 2025 Police Sergeant Orientation Guide, the test was based on information obtained from the most recent job analysis verification for Police Sergeant, which included descriptions of the duties performed by incumbents and identified the knowledge, skills, and abilities (KSAs) that are required to effectively perform each of these duties. As such, the ADA would not require an alternative test format, and thus, it would be improper to remove test items. Accordingly, the appellant received the proper accommodations on the test date, *i.e.*, a reader, a separate room, and additional time to complete the test for those portions of the test that he was required to read the questions. It is further noted that TDAA was contacted regarding this matter and indicated that a reader takes direction from a

candidate regarding what is read to them and when they are ready to move on to the next question. While a reader is not permitted to interpret a question for the candidate, a candidate may request that the reader spell out the words in a question and/or the answer choices.

With respect to the appellant's claims that the above noted items are not job related, it is noted that job specifications are not written to describe each and every duty assigned to a particular position. In addition, the examples of work portion of a job specification provides typical work assignments which are descriptive and illustrative but are not meant to be restrictive or inclusive. Furthermore, as also noted in the Orientation Guide, based on the results of the job analysis verification process, critical KSAs were identified and were considered for inclusion on the subject test. Specifically, during this process, SMEs rated each KSA on how important the possession of the KSA is to successfully perform the job of a Police Sergeant. In this regard, questions 58 and 60 were both written to assess the KSA, "ability to complete reports and recognize content errors in written reports." The SMEs rated this KSA as a 4 on a scale of 1 to 5. Moreover, the appellant has not provided documentation or any other evidence, beyond his own opinion, that these items are not job related. Accordingly, the 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 21st DAY OF JANUARY, 2026



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: C.H.
David Beckett, Esq.
Division of Test Development, Analytics, and Administration
Division of Administrative and Employee Services
Records Center