STATE OF NEW JERSEY

In the Matter of Anthony Steneck, *et al.*, County Police Lieutenant and Police Lieutenant (Various Jurisdictions)

CSC Docket Nos. 2026-1252, *et al.*

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeals

ISSUED: March 18, 2026

Anthony Steneck (PM2792G), Belmar; Michael Barros and Herbert Gonzalez (PM2802G), Elizabeth; Michael Manfredi (PM2840G), Ewing; Anthony Pizzi (PM2806G), Garfield; Christopher DiBiase and Christopher Garretson (PM2813G), Lakewood; Christopher Trokovich (PM2820G), North Brunswick; Sean Donohue (PM2821G), Ocean City; Christopher Estevez, Sebastian Gomez and Pedro Menacho (PM2823G), Paterson; and Damian Samojlik (PC2725G), Union County, appeal the examination for County Police Lieutenant and Police Lieutenant (Various Jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

This was a multiple-choice examination, which was administered on October 14, 2025, consisting of 80 questions.

Gonzalez contends that at review, his ability to take notes on examination items was curtailed and his appeal is based on his recollection of the test items. As such, he requests that "should this appeal have a negative impact on my score, kindly disregard." It is noted that the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, appeals of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed.

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

Question 7 indicates that you are providing guidance for a situation where an officer from your department has determined that a party has violated an existing restraining order that was served upon that party. Candidates were provided with four statements and were required to determine, based on the New Jersey Attorney General Guidelines titled, "New Jersey Domestic Violence Procedures Manual" (Manual), for the actions the officer must take in this situation. The keyed response, option d, included statement II, "Check the Domestic Violence Central Registry (DVCR)," and statement IV, "Complete the Ontario Domestic Assault Risk Assessment (ODARA) Scoring Form if there is a qualifying offense in addition to the contempt charge." DiBiase argues that statement II is not necessary in this situation "because the question stated it was determined that a restraining order violation had occurred. If that was already determined, the officer must have already checked the DVCR to verify an order existed and that the defendant was served." Garretson and Gomez contend that statement IV is incorrect. Specifically, Garretson notes that the question does not indicate that the victim and defendant have been past partners, as defined in New Jersey Attorney General Directive 2016-6 v. 3.0,[1] and thus, an ODARA form would not be completed. Gomez presents that the Manual provides that an ODARA must be completed if there is a qualifying offense in addition to the contempt charge.[2] However, Gomez argues that the question only stated that restraining order was violated. As such, Gomez claims that an ODARA is not needed "because it was already known, in th[is] particular scenario, that no other qualifying offense was met because the officer already informed us already on what the offense was. The only valid offense was contempt of court." Gomez emphasizes that ODARAs are "only for scenarios in which physical contact occurred with the victim or with a weapon as set forth in AG directive 2016-6. I know that this did not happen in this scenario because it's not what was stated to me." It is noted that the focus of the question was to test the candidate's knowledge of the Manual and specifically, with respect to the requirements in the event of a restraining order violation. In other words, the first sentence of the question was not meant to serve as a scenario or fact pattern, but rather, it was pointing candidates to the portion of the Manual that was being tested. In this regard, under the section, "Restraining Order Violations," the Manual provides, in pertinent part:

> Where a police officer determines that a party has violated an existing restraining order that was served upon that party, the officer must: Arrest and transport the defendant to the police station (violations of restraining orders are mandatory arrests); Check the DVCR; Submit the

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[1] It is noted that New Jersey Attorney General Law Enforcement Directive 2016-6 v. 3.0, "Directive Establishing Interim Policies, Practices, and Procedures Pursuant to P.L. 2015, c. 31" (September 27, 2017), under section 4.6.2, defines "partner" as "a person who currently is, or previously was, involved with the Defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship."

[2] As noted above, statement IV clearly provides, "Complete the Ontario Domestic Assault Risk Assessment (ODARA) Scoring Form **if there is a qualifying offense in addition to the contempt charge**" [emphasis added].

> defendant's fingerprints using the Live Scan system; Complete the ODARA Scoring Form if there is a qualifying offense in addition to the contempt charge . . . .

Accordingly, the question is correct as keyed.

Question 12 indicates that you inform your subordinates that the level of resistance that an officer encounters is a key factor in determining the appropriate amount of force that may be used in response. Candidates were presented with the following individuals: I. Passive resistors; II. Active resistors; III. Threatening assailants; and IV. Active assailants. The question asks, "according to the New Jersey Attorney General's Use of Force Policy [(Use of Force Policy)], in general, Conducted Energy Devices (CEDs) may be used against which persons when certain conditions are met?" It is noted that initially, this item was keyed as option b, III and IV only, based on the version of the Use of Force Policy that was available at the time that the subject test was developed, *i.e.*, Attorney General Directive No. 2022-4 (April 2022).[3] However, the Use of Force Policy was subsequently revised on September 17, 2025 to include active resistors (II) in the list of individuals against whom a CED or less-lethal device could be used.[4] As a result of this update, candidates were informed

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[3] Section 3.7.1 of the Use of Force Policy (**April 2022**) provides:

> An officer authorized to use a CED or a less-lethal device pursuant to this Policy may fire, discharge, or utilize drive stun mode of the device during an actual operation, consistent with Addendum A, only against: (a) an active assailant; (b) a threatening assailant who will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force; (c) a person who is attempting to cause death or serious bodily injury to themselves; or (d) a fleeing suspect, if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury.

[4] Section 3.7.1 of the Use of Force Policy (**September 2025**) provides:

> An officer authorized to use a CED or a less-lethal device pursuant to this Policy may fire, discharge, or utilize drive stun mode of the device during an actual operation, consistent with Addendum A, only against: (a) an active assailant; or (b) a threatening assailant; or (c) an ***active resistor*** who will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force; or (d) a person who is threatening to cause or attempting to cause death or serious bodily injury to themselves; or (e) a fleeing suspect, if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury; or (f) a fleeing suspect who, immediately prior to the flight, satisfies the definition of active assailant, whenever the pursuing law enforcement officer reasonably believes that upon reengagement the suspect will again become an active assailant. This provision is subject to the limitations in Section 6.1(e) of Addendum A on the deployment of a CED against the operator of a moving vehicle. (emphasis added)

at test booklet review that this item was to be double-keyed to option b and option c, II, III and IV only. Donohue, who selected option c, maintains that although the question did not indicate which version of the Use of Force Policy "should be applied[,] I believe the most up to date answer should be scored as correct." It is noted that the 2025 Police Lieutenant Orientation Guide, under the section, "Potential Source Material," listed the New Jersey Attorney General Guidelines and Directives. The Orientation Guide further informed candidates:

> Please note that the N.J. Office of the Attorney General has recently created a new set of websites where Guidelines (https://www.njoag.gov/resources/ag-guidelines/) and Directives (https://www.njoag.gov/resources/ag-directives/) can be found. When preparing for the exam, ***it is the candidates' responsibility to ensure that they identify, access, and are familiar with the most up-to-date version of all Guidelines and Directives that are currently in effect*** [emphasis added].

Given that the revised Use of Force policy was available almost a month prior to the test administration date,[5] candidates should have been aware of this change. In addition, given that candidates were explicitly informed in the Orientation Guide that it was their responsibility to be aware of the most up-to-date versions of all Guidelines and Directives, this item should be rekeyed to option c.

Questions 23 provides:

> On a weekday morning, while walking to school, a 14-year-old female was offered a ride by a male family friend, Andrew Dugan. Instead of taking her to school, Dugan drove her in his gray car to 111 Kerri Street, where he lured her into a second-floor apartment and then sexually molested her. Thereafter, the female left the apartment, reported the matter to the police, and gave them a description of Dugan and the precise location of the apartment. She further told police that while she was inside the apartment, a young boy named Billy was there. Accompanied by the female, three police officers proceeded to 111 Kerri Street, which was a short distance away. Upon their arrival, the officers rang the bell to the second-floor apartment. They heard, in response, an adult-sounding male voice yell from inside the apartment, 'Who is it?' The officers replied that it was the police. Moments later, 12-year-old Billy, who was wearing pajamas, opened the door. As the officers followed Billy up the stairs toward the second-floor apartment, they asked him if he was home alone. Billy answered, 'No, nobody's at home' and he seemed a little nervous. This answer struck the officers as

[5] It is noted that the N.J. Office of the Attorney General was contacted regarding this matter and confirmed that the revised Use of Force Policy was posted on its website on September 17, 2025.

> inconsistent with the adult male voice they heard earlier coming from the apartment. At the top of the stairs, with Billy inside the apartment and the officers on the landing outside the doorway, the conversation continued. When asked where his mother was, Billy answered that she was at work or at the store. At the time, Billy appeared uneasy and the officers thought he might be in danger and that his answers might have been coaxed from someone within the apartment. They also feared that other juveniles might be inside.
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> Shortly after the officers began conversing with Billy, Sergeant Combs from the Juvenile Detective Division arrived at the scene. Also, at about the same time, a landline telephone rang in the kitchen, which was located immediately inside the apartment. Billy picked up the receiver and told the officers that his father was on the phone. Standing outside of the apartment, Sergeant Combs asked Billy if he could speak with his parent and Billy replied, "Certainly." Sergeant Combs then walked a few steps into the apartment and was handed the receiver by Billy. While on the telephone, inside the kitchen area, Sergeant Combs was able to see into a bedroom where Dugan was lying on the bottom level of a bunk bed. Dugan fit the description given provided earlier by the female. Sergeant Combs motioned for the two officers to enter the apartment, which they did, and quickly entered the bedroom where they found the man lying on the bed. Sergeant Combs read the man the *Miranda* warnings. A short time later, after further questioning, the man was identified as Andrew Dugan. After a criminal history check revealed multiple outstanding arrest warrants, Dugan was handcuffed and taken into custody.

The question asks, based on relevant New Jersey case law, for the true statement. The keyed response is option d, "Sergeant Combs' entry into the apartment to speak on the telephone with a parent of a child seemingly left unattended on a school day was justified under the police's community caretaking function."[6] Trokovich argues that the keyed response is incorrect. In this regard, he argues that subsequent to *State v. Bogan, supra,* "new precedent has been set by the federal courts and the New Jersey Supreme Court, and the entry that was once viewed as permissible under community caretaking is no longer lawful under current standards." He contends that "modern authority makes clear that community-caretaking alone cannot justify warrantless entry into a home. Entry now requires either: exigent circumstances, or emergency-aid doctrine based on specific, articulable facts showing an imminent threat to life or limb." In this regard, Trokovich refers to *State v. Vargas*, 213 *N.J.* 301 (2013), in which he asserts that "the New Jersey Supreme Court clarified that police may not rely on the caretaking function to enter a residence without a warrant

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[6] It is noted that this item is based on *State v. Bogan*, 200 *N.J.* 61 (2009).

unless there is clear evidence of an emergency." In addition, Trokovich refers to *Caniglia v. Strom*, 593 *U.S.* 194 (2021), in which he claims that the United States Supreme Court "unequivocally restricted the 'community caretaking' doctrine to the motor-vehicle context, holding that there is no community-caretaking exception for homes." Trokovich argues that "even if there had been an objectively reasonable belief that the child faced an emergency, the keyed answer would still be wrong under current case law because the federal courts have clearly and unequivocally restricted the 'community-caretaking' doctrine to the motor-vehicle setting." It is noted that the situation presented in *State v. Bogan*, *supra,* is clearly distinguishable from that in *State v. Vargas, supra.*[7] In addition, as the court in *State v. Vargas, supra,* specifically noted:

> We recognized in *Bogan* that the police have a community-caretaking role to protect the welfare of a child, especially one alone and unattended who might be in danger of imminent harm. [citation omitted] Because the officers' "carefully modulated response" to "swiftly moving events and uncertain circumstances" was objectively reasonable under the community-caretaking doctrine, we saw no need to address the applicability of the emergency-aid or exigent-circumstances exceptions to the warrant requirement [citation omitted]. *Id.* at 319-320.

Moreover, as the court in *State v. Vargas, supra,* further noted, "Under our state law jurisprudence – outside of the car-impoundment context – warrantless searches justified in the name of the community-caretaking doctrine have involved some form of exigent or emergent circumstances. *See Bogan, supra . . .*" *Id.* at 326. As such, the determination in *State v. Bogan*, *supra*, is not contradicted by that in *State v. Vargas, supra*. With respect to *Caniglia v. Strom, supra,* this matter is also clearly distinguishable from that in *State v. Bogan*, *supra*.[8] Further, as noted by the Court

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[7] As indicated by the court in *State v. Vargas*, *supra:*

> In this case, a landlord called the police because he had not seen or been able to contact a tenant for two weeks. During the two-week period, the tenant's garbage was not placed curbside, his mail accumulated, his car remained unmoved, and his monthly rent went unpaid. The landlord expressed concern for the tenant's well-being, and the police entered the home without a warrant and conducted a 'welfare check.' The tenant was not at home, but the search uncovered evidence that led to the tenant's indictment. *Id.* at 305.

[8] As discussed by the Court in *Caniglia v. Strom*, *supra,* during an argument with his wife, Caniglia retrieved a handgun from the bedroom and asked his wife to shoot him. The wife declined and left the home for the night. When she was unable to reach her husband by phone the next morning, the wife contacted the police to request a welfare check. The responding officers accompanied the wife to the home where they discovered Caniglia sitting on the porch. The responding officers determined that Caniglia posed a danger to himself and others and Caniglia agreed to go to the hospital for a psychiatric evaluation, but only after officers allegedly promised not to confiscate his firearms. After Caniglia had been taken away by ambulance, the responding officers entered the home and seized two handguns. *See id.* at 196-197.

in *Caniglia v. Strom, supra,*[9] "the First Circuit extrapolated a freestanding community-caretaking exception [from Cady *v. Dombrowski*, 413 *U.S.* 433 (1973)[10]] that applies to both cars and homes [citation omitted]. Accordingly, the First Circuit saw no need to consider whether anyone had consented to [the responding officers'] actions; whether these actions were justified by 'exigent circumstances'; or whether any state law permitted this kind of mental-health intervention. [citation omitted]." *Id.* at 197. The Court further determined that "the First Circuit's 'community caretaking' rule, however, goes beyond anything this court has recognized . . . Neither the holding nor logic of *Cady* justified that approach." *Id.* at 198. Thus, Trokovich's claim that the Court "unequivocally restricted the 'community-caretaking' doctrine to the motor-vehicle setting," is incorrect. Rather, the Court, as indicated above, found that the First Circuit's determination that the responding officers' actions fell within a "freestanding community-caretaking exception" extrapolated from *Cady v. Dombrowski*, *supra*, was in error. As such, the question is correct as keyed.

Question 30 provides:

> At approximately 12:15 a.m. on a night in May, Sergeant Mark Howe of the Hanover Township Police Department was on patrol in a marked police vehicle when dispatch alerted him that an armed robbery at a 7-Eleven had just occurred. This 7-Eleven in Hanover was located on a roadway close to a major interstate highway. Dispatch described the suspects as two Black males, one of whom had a handgun. Sergeant Howe activated the lights and sirens on his marked patrol car and drove towards the 7-Eleven. While enroute, Sergeant Howe used the mounted spotlight on his marked police car to illuminate the interior of the passing vehicles in order to search for the robbery suspects. In the first vehicle Sergeant Howe encountered, approximately three-quarters of a mile from the 7-Eleven, the occupants, who were a man and a woman, reacted with annoyance and alarm when Sergeant Howe shone the spotlight into their car. As he drove on, he encountered a second vehicle. When he used the spotlight to illuminate the inside of that vehicle, he observed three Black males who did not react to the spotlight at all. Sergeant Howe viewed that non-reaction as odd considering the reaction of the occupants of the first car. At this point, the only information

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[9] By way of background, as indicated by the Court, Caniglia sued, maintaining that the responding officers violated the Fourth Amendment when they entered his home and seized him and the handguns without a warrant. The District Court granted summary judgment to the responding officers, and the First Circuit court "affirmed solely on the ground that the decision to remove [Caniglia] and his firearms from the premises fell within a 'community caretaking exception' to the warrant requirement [citation omitted]." *Id.* at 197.

[10] It is noted that in *Cady v. Dombrowski*, *supra*, which involved the search of an automobile, the Court introduced the community-caretaking doctrine.

> Sergeant Howe had about the robbery was that the suspects were two Black males, one with a gun, who fled the robbery on foot. Based on the vehicle's occupants matching the race and sex of the suspects, along with their non-reaction to the spotlight, the short distance from the scene, and the short amount of time from the call, Sergeant Howe stopped the vehicle. Sergeant Howe radioed headquarters with the license plate number and a description of the car, and two more officers arrived. Before he approached the vehicle, Sergeant Howe learned from one of the other officers that the robbery suspects had been wearing dark or black clothing or jackets. As he approached the driver's side, Sergeant Howe observed some dark jackets on the unoccupied rear passenger seat and on the floor of the vehicle. Sergeant Howe spoke with the driver, who was later identified as Gary Miller. The dispatcher advised Howe that the vehicle had been reported stolen. All three occupants were ordered out of the vehicle and were placed under arrest. More officers arrived on the scene, and while several officers secured the arrestees, others assisted Sergeant Howe in searching for a weapon. First, Sergeant Howe retrieved the clothing he had observed from the backseat of the vehicle. Then, he and the other officers searched other parts of the vehicle, locating additional clothing in the trunk and a black semi-automatic handgun under the hood. Searches of the men themselves yielded just under $600 cash. Approximately $600 had been reported stolen from the 7-Eleven. The vehicle was then impounded, and police transported the three men to the police station.

The question asks, based on relevant New Jersey case law, for the true statement. The keyed response is option a, "Sergeant Howe's stop of the motor vehicle was not supported by a reasonable and articulable suspicion."[11] Samojlik argues that option c, "Based on the totality of the circumstances, at the time of the stop, Sergeant Howe had more than a mere hunch that the vehicle's occupants were the suspects sought in the armed robbery," is equally correct. In this regard, he presents that the court in *State v. Nyema*, *supra*, stated that "these facts 'do not establish a reasonable articulable suspicion that the men in the car had robbed the store . . . [T]he court [also] stated[,] 'The non specific and non individualized factors asserted here do not [add] up to the totality of circumstances analysis upon which reasonable suspicion can be found. The officer, here, even with his years of experience, had a hunch. That, however, is not the standard." As noted by the court in *State v. Nyema*, *supra*, "The only information the officer possessed at the time of the stop was the race and sex of the suspects, with no further descriptors. That information, which effectively placed every single Black male in the area under the veil of suspicion, was insufficient to justify the stop of the vehicle and therefore does not withstand constitutional scrutiny." *Id.* at 516. Specifically, the court determined that "the non-specific and

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[11] It is noted that this item is based on *State v. Nyema*, 249 *N.J.* 509 (2022).

non-individualized factors asserted here do not add up to the totality of circumstances analysis upon which reasonable suspicion can be found . . . In this case, [the officer], with his years of experience, had a hunch. That, however, is not the standard. The information [the officer] possessed did not amount to objectively reasonable and articulable suspicion . . ." *Id.* at 534-535. As noted above, the question asks for the true statement. The court's determination in *State v. Nyema*, *supra*, clearly indicates that option c is incorrect.

Questions 64 through 80 were based on the fictional Warwick Township Police Department's Sick, Bereavement, and Military Leave Time Policy which was provided to candidates in the test booklet.

Question 66 indicates that Officer Spenser was scheduled to work today but she became too ill to report for duty and notified her immediate supervisor that she would need to use sick leave. The question requires candidates to determine, assuming the policy was followed correctly, for what can be accurately concluded. The keyed response is option c, Officer Spencer "provided her telephone number and address of confinement during the sick leave notification to her immediate supervisor."[12] Estevez, Gonzalez and Menacho contend that option a, Officer Spencer "notified her immediate supervisor of her sick leave use at least two hours before the start of her scheduled shift," is correct. Specifically, Estevez argues that the policy "clearly states that an employee must call out at least two (2) hours prior to the start of their shift. Both answer choices[, option a and option c,] . . . are accurate requirements as per the policy." Gonzalez presents that "the policy first states that employees notify the employer within two hours prior to the start of their shift. All subsequent steps - including providing a callback number, address, or other contact information - occur after that initial notification. An employee cannot provide callback or contact information without first calling out. Logically and procedurally, the act of providing a callback number is dependent on the initial callout." Menacho

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[12] Section I, Sick Leave, provides, in pertinent part:

B. Reporting Sick Leave Absences
   1. Employees who are too ill to report for duty shall notify their immediate supervisor. Employees who are hospitalized shall have someone make the notification for them if they are unable to make the notification themselves.
      a. Employees shall make such notification at least two (2) hours before the start of their scheduled shift, if possible.
      b. Notification for future use of leave, e.g., for scheduled surgery, shall be made as soon as dates are known.

   . . .

   3. When making a sick leave notification, employees shall provide the following information to their immediate supervisor, who will record the information on a Report of Illness Form (WTPD-190):
      a. Address of confinement (employee's residence or an alternate location)

contends that option a is equally correct pursuant to the policy. As indicated above, Section I.B.1.a. of the policy indicates that employees who are too ill to report for duty shall notify their immediate supervisor at least two hours before the start of their scheduled shift, ***if possible***. Therefore, depending on the circumstances, an officer could notify a supervisor less than two hours prior to the start of their shift and still follow the policy correctly. Since the question does not provide any information as to when Officer Spencer's shift was scheduled to begin and when she notified her immediate supervisor, option a cannot be concluded. Steneck asserts that option b, Officer Spencer "was not hospitalized," is correct. Steneck argues that the policy states that "if an officer is hospitalized then another person can report sick leave for the officer that is in the hospital. Therefor[e], if she is reporting to her immediate supervisor that she needs to use sick leave, her not being hospitalized would be the correct answer." As indicated above, Section I.B.1. of the policy states that employees who are hospitalized shall have someone make the notification for them ***if*** they are unable to make the notification themselves. Thus, if Officer Spenser had been hospitalized but able to make the notification herself, this would be within the policy provisions. As such, option b cannot be determined based on the information provided. Accordingly, the question is correct as keyed.

Question 68 indicates that you have been tasked with reviewing your department's Sick, Bereavement, and Military Leave Time Policy in order to determine if there are any revisions that should be made to it. After completing your review, you plan to suggest to executive management that one of the terms used in the policy be defined or explained, in order to increase the clarity of the policy. The questions asks, "the policy would most benefit from being revised to include a definition and/or explanation of which of these terms used in the policy?" The keyed response is option c, "Immediate family member." Barros presents that "this question is subjective in nature. One could reasonably argue that all the terms should be reviewed or clarified as each can have multiple interpretations depending on the policy, legal jurisdiction, institution, or audience."[13] He maintains that "while 'calendar-year' is generally straightforward, it along with the other terms are context-dependent and open to differing understandings." Therefore, he argues that this item should be omitted from scoring. Gomez, Pizzi and Trokovich assert that option b, "Attendance records," is equally correct. Specifically, Gomez argues that attendance "requires further definition as it can be measured in different ways and also be classified in a multitude of ways." Gomez presents that the policy does not clearly state what is included in an attendance record or how it is measured. Gomez contends that no two workplaces "have the same rules for marking attendance [and] therefore it is up to interpretation." Pizzi asserts that both "immediate family" and "attendance records" are "ambiguous terms that depend on organizational and contractual interpretation and clear definition in policy to prevent misinterpretation and or misapplication of the policy." Pizzi presents, in part, that an attendance record may include "overtime, compensatory time, time owed, off-duty employment, outside

[13] A review of the available record finds that Barros did not select an answer choice for this item.

employment, paid or scheduled holidays and shift schedules (actual hours worked) . . . A clearly defined attendance record would directly impact how time off usage affects an employee's attendance evaluation, disciplinary action, or eligibility for certain benefits . . . Without a clear definition of 'attendance record,' enforcement can be inconsistent undermining the purpose of the policy." Trokovich argues that this question "fails to meet the standards for a fair, measurable test item. The question lacks an objective reference point for a demonstrably best answer derived from the provided material, leaving only the consideration of the test taker's opinion." Trokovich further claims that the term "attendance record" is "vague and undefined" as "the policy does not specify whether the record includes other types of time off for consideration (vacation, bereavement, military)[;] the review period or retention length of the record[;] whether only undocumented absences are considered or all absences[; and] whether medically verified absences, such as hospitalizations, are included." Trokovich adds, "Because the policy also ties potential discipline to the attendance record, the absence of a definition creates genuine ambiguity about what is being measured or penalized. From a policy-writing and legal-clarity standpoint, this omission would warrant defining attendance record far more urgently than immediate family."

Initially, it is noted that the question requires candidates to review the terms specifically in the context of the policy that is provided in the test booklet, *i.e.*, Warwick Township Police Department's Sick, Bereavement, and Military Leave Time Policy. Thus, Barros' argument that these terms "can have multiple interpretations depending on the policy, legal jurisdiction, institution, or audience," is misplaced. More specifically, as noted above, the question asks, "the policy would most benefit from being revised to include a definition and/or explanation of which of these terms used in the policy?" As such, the question requires candidates to analyze the policy to make this determination rather than merely offering their opinion. Thus, Barros' and Trokovich's arguments that this item is solely based on the test taker's opinion are misplaced. With respect to "attendance records," it is noted that this term only appears in section I, Sick Leave, subsection J, which provides, "Supervisors shall audit sick leave use quarterly in order to identify any cases of excessive or abuse of sick leave . . . 3. Previously counseled employees' attendance records shall be checked quarterly."[14] The term "attendance records" in this policy is narrowly used in the

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[14] Subsection J of the policy provides:

J. Supervisors shall audit sick leave use quarterly in order to identify any cases of excessive or abusive use of sick leave.
   1. Sick leave abuse MAY be indicated if an employee has a pattern of being:
      a. absent the same day each week;
      b. absent the day before or after a day off, holiday, or vacation; or
      c. absent each day of a particular assignment or shift.
   2. When a pattern of suspected sick leave abuse develops, the immediate supervisor shall:
      a. orally counsel the employee, and
      b. document the counseling by preparing two (2) copies of an Excessive/Abusive Use of Sick Leave Form (WTPD-251).

context of determining whether there is an issue regarding sick leave with respect to a previously counseled employee. In this regard, the policy provides how suspected sick leave abuse is determined. As such, the term "attendance records" does not require further definition when determining excessive or abusive use of sick leave. Therefore, Pizzi's concern of "how time off usage affects an employee's attendance evaluation, disciplinary action, or eligibility for certain benefits," is not relevant. In addition, Trokovich's argument that "the absence of a definition creates genuine ambiguity about what is being measured or penalized," is clearly misplaced. Thus, option b is not the best response.

Question 69 provides that there seems to be some confusion regarding your department's employees' obligation to fulfill mandatory court appearances while they are on sick leave. You have been tasked with reviewing the Sick, Bereavement, and Military Leave Time Policy in order to make any recommended changes concerning this topic. The question asks, "which section of the policy would it be most appropriate for you to review in order to determine if the policy needs to be clarified in some way to eliminate further confusion on this topic?" The keyed response is option b, I.H.[15] Manacho asserts that option d, Section I.K.,[16] is correct. In this regard, he contends that Section I.K. is ambiguous and needs further clarification as it does not specify if an officer is paid his/her regular salary while off from work sick. He adds that Section I.K. does not specify if there are any exceptions to granting overtime for the officer that was out sick during the work week. Finally, Manacho argues that the question is subjective and can lead to candidates having different interpretations on which portion of the policy needs more clarification. As noted above, the question specifically refers to the issue of fulfilling mandatory court

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(1) The first copy shall be initialed by the employee, upon which a copy of the past year's sick leave usage shall be attached, and be filed in the employee's division file.
(2) The second copy shall be provided to the employee for him/her to keep.

3. Previously counseled employees' attendance records shall be checked each quarter.
   a. If still unacceptable, or improved but returning to unacceptable practices, disciplinary action may be appropriate.
   b. If no improvement is shown, the immediate supervisor, through the chain of command, may:
      (1) request a fitness for duty examination, if appropriate, and/or
      (2) file a complaint with the Internal Affairs Division.

[15] Specifically, Section I.H. provides:

> Sick Leave is not considered vacation time. Abuse of sick leave shall result in disciplinary action. Employees on sick leave shall not engage in police secondary employment, outside employment, or other police related activities, ***with the exception of mandatory court appearances***. Employees on sick leave shall not participate in any sport, hobby, or other recreational activity that may impede recovery from the illness. (emphasis added).

[16] Section I.K. provides, "Time spent on sick leave will not be counted as hours worked toward computation of overtime."

appearances while on sick leave. Given that Section I.H. is the only section that refers to court appearances, this is the most appropriate section to review for possible clarification regarding this issue. Accordingly, the question is correct as keyed.

Question 79 indicates that you become too ill to complete your shift and end up using sick time to leave work a half hour early. Prior to today, you had used two undocumented and three documented sick leave days this calendar year. The question asks, based on the policy, for the true statement regarding the amount of time that will be deducted from your accumulated sick leave for today. The keyed response is option c, "One hour will be deducted from your accumulated sick leave balance." Gomez, Manfredi and Steneck assert that option b, "One-half hour will be deducted from your accumulated sick leave balance," is correct. Specifically, Gomez indicates that while the policy states that sick time must be taken in one-hour increments, he contends that "later in the policy that there is a caveat that stated that if an employee did not complete their shift that only ACTUAL hours would be deducted. So by the policy in this case a full shift was not completed and therefore they should be charged only the ACTUAL hours used." Gomez argues that since a full shift was not completed, only the actual time, a half hour, should be deducted. Manfredi presents that the policy indicates an on-duty employee who becomes too ill to complete their assigned shift is only charged the actual number of hours utilized. Therefore, he contends that per the policy, the correct answer is a half hour. Steneck maintains that "according to the on[-]duty sick leave section of the policy[,] it states that officers will only be deducted the actual time used when leaving from a shift early." Thus, Steneck asserts that option b "accurately reflect[s] what is stated for the on duty sick leave policy." It is noted that Section I.A.2. of the policy provides that sick leave must be used in one-hour increments. Further, Section I.B.2.c. indicates that when less than a full tour of duty of sick leave is taken, the employee's accumulated sick leave balance in the payroll system will be charged the actual ***number of hours*** utilized, and ***not*** the actual time, *i.e.*, any time less than an hour. Thus, these two sections both indicate that leave is deducted on an **hourly basis**. Accordingly, the question is correct as keyed.

CONCLUSION

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A thorough review of the appellants' submissions and the test materials reveal 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 18TH DAY OF MARCH, 2026

Mary Cruz
Acting Chairperson
Civil Service Commission

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