



STATE OF NEW JERSEY

In the Matter of Gabriele Spallacci,
et al.

CSC Docket No. 2026-1349

: **FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

: Requests for Interim Relief

ISSUED: December 23, 2025

The City of Newark (Newark), represented by Kenyatta K. Stewart, Corporation Counsel, the Newark Superior Officers Association (Newark SOA), represented by Lauren Sandy, Esq., Gabriele Spallacci, *et al.*, represented by Albert Seibert, Esq., and 106 superior officers (Superior Officers) from the Newark and Paterson Police Departments, represented by Valerie Palma DeLuisi, Esq., request interim relief in the form of a stay of the decision of the Civil Service Commission (Commission) in *In the Matter of Gabriele Spallacci, et al.* (CSC, decided November 5, 2025) (*Spallacci*). Additionally, the parties in this matter are petitioning the Commission for reconsideration of its decision.¹

By way of background, the issue in this matter was originally appealed to the Commission and decided in *In the Matter of Melvin Jumper, et al., Police Sergeant (various jurisdictions)* (CSC, decided March 24, 2021) (*Jumper*). In *Jumper*, as relevant here, the Commission addressed an appeal, challenging the omission from scoring of the last 10 questions from the 2019 Police Sergeant examination, on grounds that the appellants should not have been penalized for following the test instruction, which indicated candidates should ensure that they manage their time properly to complete all the questions of the examination. The Commission denied that appeal, finding that, as the examination progressed, the number of candidates who did not provide responses to items increased, that the last 10 questions presented

¹ It is noted that this agency acknowledged the request for stay and petition for reconsideration by letter dated December 3, 2025.

evidence of adverse impact, and thus, omitting these questions did not render the test invalid because sufficient Knowledge, Skills, and Abilities (KSAs) were tested in the remainder of the examination.

At this juncture, it is important to note that as is the practice for all Civil Service examinations, the candidates for the February 2019 Police Sergeant examination were afforded the opportunity to review the keyed test booklet and test papers should they want to file an appeal of the job-relatedness or appropriateness of test content. *See N.J.A.C. 4A:4-6.4.* Appeals were filed challenging the appropriateness and keyed answers of the test content, in which the candidates were afforded the opportunity to review and challenge all of the questions in the examination booklet, including the 10 questions that were later eliminated from scoring. In *In the Matter of Gordon Harvey, et al.* (CSC, decided September 10, 2019), the Commission explained that the examination content was based on the most recent job analysis and verification which included descriptions of the duties performed by incumbents and identified the KSAs that are necessary to perform the duties of Police Sergeant. Further, the Commission indicated as part of this verification process, information about the job was gathered through interviews and surveys of on-the-job activities of incumbent Police Sergeants throughout the State. As a result of this process, critical KSAs were identified and considered for inclusion in the examination. The Commission thus denied the appeals, challenging the appropriateness of the keyed answers of the test content, and no further challenge, including any challenge to the relatedness of the questions to the duties of a Police Sergeant, was pursued with either the Commission or the Appellate Division. In *Jumper, supra*, the Commission reiterated the job analysis process that determined the relatedness of the questions to the duties of a Police Sergeant, that the time to complete the examination was sufficient.

Subsequently, 15 individuals employed by the Newark and Paterson Police Departments, (hereinafter the Original Parties), who challenged the omission of the last 10 questions, pursued an appeal to the Appellate Division, arguing that the Commission did not provide any evidence supporting its conclusion that not scoring the final 10 questions remedied disparate impact on racial minorities. The court agreed and remanded the matter to the Commission, ordering it to provide the raw data to the appellants with an interpretation of how it demonstrated adverse impact and for further proceedings. *See In the Matter of Gabriele Spallacci, et al.*, Docket No. A-2369-20 (App. Div. August 7, 2023). The Commission provided the raw data to the appellants. Thereafter, in *In the Matter of Gabriele Spallacci, et al.* (CSC, decided January 17, 2024), the Commission determined that the appellants were provided an interpretation of how the raw data demonstrated racial minorities were adversely impacted if the last 10 questions were scored. The appellants again appealed to the Appellate Division.

On August 22, 2025, the Appellate Division reversed the Commission's decision. The Appellate Division concluded:

We agree with petitioners that the Commission's decision to omit the last ten questions after the test was taken undermines the agency's exam instructions because it essentially penalizes the examinees who allocated their time and provided answers to these questions. There is no indication the Commission explored alternatives to eliminating the last ten questions that did not punish examinees, such as petitioners, who diverted time away from the first seventy-five questions to ensure they completed the last ten questions. Petitioners were wrongfully penalized for following the instructions.

...

Because the integrity of the exam and its scoring has been undermined, we conclude that the exam results should be invalidated, and a new exam be administered.

[*In re Spallacci*, Docket No. A-1777-23 (App. Div. Aug. 22, 2025).]

On remand, the Commission issued the subject final agency decision of the instant petition, *Spallacci, supra*. There, the Commission interpreted the Appellate Division's decision as invalidating the February 23, 2019 examination administered to Newark and Paterson and ordered a new examination be afforded to the original eligible applicants from those jurisdictions.

On December 4, 2025, the Superior Officers filed an appeal of the Commission's November 2025 decision with the Appellate Division. On December 15, 2025, the Original Parties also filed an appeal of the Commission's decision. And, on December 17, 2025, the Original Parties also filed a motion seeking reconsideration from the Appellate Division of its August 22, 2025 decision, which the Commission's November 2025 decision was premised on.

Initially, Newark and Newark SOA argue that the Commission should permit them to intervene in this matter as their participation will aid the Commission in reaching a fair, complete, and legally sound result. They also contend that they have a substantial, protectable interest in the proceeding and the Commission's decision may affect or impair that interest. Furthermore, intervention would assist the agency and would not cause undue delay.

Turning to their request for stay and petition for reconsideration, Newark and Newark SOA underscore that reclassifying the appointments and requiring a re-test creates a danger of immediate irreparable harm to the city and the public interest.

In this regard, they explain that the police force is a para-military organization which was only conditionally released from consent decree oversight and the approximately 70 Police Sergeants, Police Lieutenants, and Police Captains directly impacted are assigned to essential commands whose work is critical to mitigating and reducing crime, implementing policies that preserve the community trust, and enforcing discipline to ensure accountability and integrity. Newark and Newark SOA emphasize supervisory responsibilities cannot be performed by Police Officers and that reversion of supervisory officers to their prior rank would destabilize command structures, disrupt operations, and cause predictable compliance failures under State and federal oversight mandates. In support of its request, Newark details mission critical administrative units that would be rendered non-operational and division level operational impacts that would befall it given the Commission's interpretation of the court's decision. Accordingly, Newark and Newark SOA request that a stay of the implementation of the order to conduct a new Police Sergeant's examination, which is anticipated to take place in or about February 2026, be granted pending reconsideration of the Commission's decision. They also request that regular appointments be reinstated to the innocent impacted officers and afford equitable relief that reflect both the court's recommendation and the legitimate reliance interests of the city and the candidates. The Superior Officers also request a stay of the Commission's decision pending the outcome of the appeal they have filed with the Appellate Division.

The Original Parties also join in Newark's and the Superior Officers' petition to stay the implementation to conduct a new Police Sergeant's examination in or about February 2026.

CONCLUSION

N.J.A.C. 4A:2-1.2(f) provides that following a final administrative decision by the Commission, and upon the filing of an appeal from that decision to the Appellate Division, a party to the appeal may petition the Commission for a stay or other relief pending a decision by the court.

N.J.A.C. 4A:1.3.2(b)3 states that the Chairperson, on behalf of the Commission, shall, between meetings of the Commission, provide for interim remedies or relief in a pending appeal where warranted, and review requests for interlocutory review of an order or ruling by an administrative law judge.

N.J.A.C. 4A:2-1.2(c) provides the following factors for consideration in evaluating petitions for interim relief:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and

4. The public interest.

Preliminarily, it is noted that the Commission's November 5, 2025 decision, which the parties seek a stay of, was premised on the Commission's implementation of the Appellate Division's August 22, 2025 decision. As such, the Commission is constrained to follow a court's order. However, as there are now two pending appeals of the Commission's decision, as well as a pending motion for reconsideration filed by the prevailing parties of the Appellate Division's August 22, 2025 decision, the Chairperson, on behalf of the Commission, finds it appropriate to grant a stay of its November 5, 2025 decision, pending the outcome of those applications to the court.

In this regard, the Chairperson also recognizes the public safety implications established by the petitioners due to the possibility of significant leadership disruption in police command staff should a new examination be administered. Additionally, as emphasized by Newark, Newark SOA, and the Superior Officers, the appointing authorities and officers have structured critical public safety operations, where many of the impacted officers have now served in for almost five years, which could be seriously undermined. Moreover, there has been no challenge to the Commission's finding that the questions in the examination were otherwise job related and tested the KSAs required to perform the duties of a Police Sergeant. As such, the public interest supports a stay. Further, there is no substantial injury to other parties if the stay were granted. Indeed, the prevailing parties of the appeal, which the Commission's November 5, 2025 decision implements, are presently seeking reconsideration of that very Appellate Division decision and join in this request for a stay.

Finally, while the Chairperson, on behalf of the Commission, grants the requested stay pending the appeals and reconsideration application brought by the various parties to the Appellate Division, the Chairperson notes that the Commission does not have jurisdiction to grant reconsideration because those appeals have now been brought. As such, the requests for reconsideration are dismissed.

ORDER

Therefore, it is ordered that the petitioners' requests for a stay be granted and the petition for reconsideration is dismissed as moot.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON
THE 23RD DAY OF DECEMBER, 2025

Allison Chin Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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