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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

In the Matter of J.D., Police Officer
(S9999M), Rutherford

CSC Docket No. 2014-926

Medical Review Panel Appeal

ISSUED: JUL 21 2015 (BS)

J.D. appeals his rejection as a Police Officer candidate by the Borough of Rutherford and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 18, 2015 which rendered the attached report and recommendation on March 2, 2015. Exceptions were filed on behalf of the appointing authority and cross exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Daniel F. Schievella (evaluator on behalf of the appointing authority) conducted a psychological evaluation and characterized the appellant as being evasive to the point of being non-disclosing despite having signed a statement that non-disclosure and/or omissions would result in failing the psychological examination. Of particular concern was the appellant's failure to disclose on either his application or police department interview that he attended psychological counseling and underwent psychiatric treatment. Dr. Schievella indicated that he could not adequately assess the nature of the appellant's psychological issues due to his non-disclosure and omissions. Dr. Schievella opined that the appellant's lack of candor suggested more enduring character issues regarding truthfulness and honesty and he did not recommend the appellant for appointment.

Dr. Daniel Gollin (evaluator on behalf of the appellant) carried out a psychiatric evaluation of the appellant in which he characterized the appellant as

not presenting with any significant psychiatric symptoms. Dr. Gollin conducted a three hour evaluation of the appellant including a face-to-face interview, direct observation, review of the results of the prior evaluation, and additional, objective psychological testing obtained for the current evaluation. Dr. Gollin concluded that the appellant was psychologically suitable for employment as a Police Officer.

Dr. Eugene M. Stefanelli also conducted a psychological examination on behalf of the appellant and indicated that the appellant had failed to disclose his previous psychological treatment. However, the appellant told Dr. Stefanelli that he previously did not report his history of treatment due to the fact that he did not consider this condition to be a severe psychological problem. Dr. Stefanelli noted that the appellant worked as a Correction Officer for six years without the presence of any disciplinary issues. Dr. Stefanelli opined that the appellant would be capable of fulfilling the duties of a Police Officer.

The Panel noted that the negative recommendations that were indicated related to the appellant's lack of disclosure about his history of mental health treatment and his reasons for seeking the treatment, as well as concerns about his overall interpersonal interactions during the evaluation process conducted by the appointing authority. The appellant answered the Panel's questions throughout the meeting and he provided reasonable explanations regarding one reprimand with his current employment, his numerous parking tickets, being cited for having alcohol while underage, and being involved in a motor vehicle accident. The Panel found the appellant's explanations for seeking treatment and not considering himself to have any serious psychological issues were again reasonable. However, the appellant was not able to articulate very fully the course of his treatment or why he remained in treatment. Therefore, the Panel found that further evaluation of the appellant was necessary before his psychological suitability for employment as a Police Officer could be adequately determined. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, justified sending the appellant for an independent psychological evaluation. In this regard, with no obvious severe psychological or psychiatric disorder evident, the independent psychological evaluator should focus on the appellant's psychiatric/psychological treatment history including the reason he sought treatment and the course of treatment. In addition, a completed release of information form will be needed that will allow for communication with and records to be obtained from the psychologist and/or psychiatrist from whom the appellant received services.

In its exceptions, the appointing authority, represented by Eric M. Bernstein, Esq., argues that the appellant has not even been remotely truthful as to the nature of the medical/psychological condition from which he apparently suffers. The appellant was evaluated by two psychologists and one psychiatrist in connection with this selection process and apparently told none of them the nature of his

condition. To undergo a fourth evaluation is only going to skew the results in that the appellant has had plenty of practice responding to the questions. The appointing authority also contends that Dr. Gollin's report is inaccurate in that the appellant denies any prior knowledge of failing a psychological test when in fact he had failed Dr. Schievella's evaluation. Hence, the reason he was being evaluated by Dr. Gollin. In addition, the appointing authority also challenges the accuracy of Dr. Stefanelli's evaluation. It is the appointing authority's position that an independent evaluation would not even remotely cure the shortcomings both as to the appellant's medical/psychological condition or, more importantly, his lack of candor and truthfulness.

In his cross exceptions, the appellant argues that the appointing authority has not presented any new information not considered by the Medical Review Panel prior to its recommending that the appellant be sent for an independent psychological evaluation. The appellant contends that there is no basis to change the "common sense" recommendation that an independent evaluator examine the appellant.

CONCLUSION

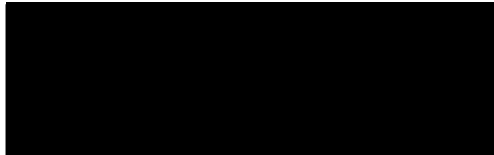
The Civil Service Commission has reviewed the report and recommendation of the Medical Review Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation that further evaluation of the appellant's psychological/psychiatric treatment needs to be made prior to determining his psychological suitability for employment as a Police Officer. Although the Commission is not persuaded by the appointing authority's exceptions, it does have some serious concerns about the appellant's lack of candor with regard to the underlying condition for which he sought help and his prior psychological/psychiatric treatment. The Commission notes that any further evasiveness with regard to this issue will constitute grounds for disqualification. Additionally, in the interest of expediency, it will be contingent upon the appellant to immediately contact the psychologist and/or psychiatrist from whom the appellant received services and complete a release of information form so that this psychologist or psychiatrist can forward the appellant's records to the Commission's evaluator listed below. Failure to do this in a timely matter will be viewed by the Commission as continued evasiveness and will also constitute grounds for disqualification. Therefore, the Commission finds it necessary to refer this matter for independent evaluation by a New Jersey licensed psychologist. Such an evaluation should address all of the areas of concern raised by the Panel.

ORDER

The Civil Service Commission therefore orders that J.D. be administered an independent psychological evaluation. The Commission further orders that it is appropriate in this matter to assess the cost incurred for this evaluation to the appointing authority in the amount of \$530. Prior to the Civil Service Commission's reconsideration of this matter, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

J.D. is to contact Dr. Robert Kanen, the Civil Service Commission's independent evaluator, in order to arrange for an appointment within 15 days of receipt of this order. Dr. Kanen's address is as follows:

Dr. Robert Kanen



If J.D. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Civil Service Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF JULY, 2015

Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

c: J.D.
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